

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	Edward Fairbrother
		David Manchester
		Marcia Hudock
	Town Clerk	Teresa Dean
ABSENT:	Council	Mike Smith
	Attorney	Thomas Reed

Supervisor Balland called the Organizational Meeting to order at 9:30 a.m.

RESOLUTION NO. 1-09
ROBERTS RULES OF ORDER ADOPTED AS GUIDELINES

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board adopt Robert Rules of Order, Association of Towns – State of New York Town Law Manual 2000, and Conducting Public Meetings and Public Hearings, as a guideline, and vote orally on resolutions.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 2-09
TIME AND PLACE SET FOR WATER BOARD MEETINGS

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board set the time and place for the Water Board Meetings: 4th Wednesday of each month at 7:00 p.m. at the Town Hall, except for the month of November the meeting will commence at 4:30 p.m. on the third Wednesday of the month, and

FURTHER RESOLVED the December meeting will be held on December 30, 2009 at 4:30 p.m.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 3-09
TIME AND PLACE SET FOR TOWN BOARD MEETINGS

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board set the time and place for the Town Board meetings: 2nd
Wednesday of each month at the Town Hall at 4:30 p.m. at the Town Hall, except for the month
of November when there will be not meeting, and

FURTHER RESOLVE the Town Board set the time and place for Town Board meetings: 4th
Wednesday of each month at the Town Hall immediately following the Water Board meeting,
except for the month of November when the meeting will commence at 4:30 p.m. on the third
Wednesday of the month, and

FURTHER RESOLVED the December meeting will be held on December 30, 2009 at 4:30 p.m.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 4-09
WATER AND/OR TOWN BOARD MEETING PROCEDURES

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board adopts the following policy for Water and/or Town Board meetings
and workshops:

1. All agenda items are submitted to the Town Clerk by 10:00 a.m. the Wednesday prior to the
Water and/or Town Board meeting. When a legal holiday and/or the responsible person
submitting said documentation is not present, the documentation must be submitted the
previous day.
2. The first item of the meeting/workshop will be Call to Order.
3. Concerns of the People will be held immediately following the Call to Order at the Town
Board meeting.
4. The Town Board meeting agenda categories be as follows:
 - Minutes
 - Reports
 - Old Business
 - New Business
 - Correspondence

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 4-09, WATER AND/OR TOWN BOARD MEETING PROCEDURES continued

5. The Water Board meeting agenda categories be:
 - Old Business
 - New Business
 - Correspondence
6. All monthly, activity reports, certificate(s), and/or minutes are to be submitted to the Town Clerk Thursday prior to the Town Board Workshop.
7. Vouchers for payment must be submitted by 12:00 noon 10 days prior to the Town Board meeting (normally the third week of the month). Submittal is the responsibility of the Department Supervisors and they are responsible for vendor inquiries due to non-submittals.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 5-09 DEPUTY TOWN SUPERVISOR APPOINTED

Resolution by: Manchester
Seconded by: Hudock

RESOLVE the Town Board appoints Edward Fairbrother, Deputy Town Supervisor, as recommended by the Town Supervisor.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 6-09 BOARD MEMBER COMMITTEE ASSIGNMENTS

Resolution by: Manchester
Seconded by: Hudock

RESOLVE the Town Board Councilpersons be assigned as Liaisons to the following Boards, Commissions, and Committees:

Community Center Board	Fairbrother & Hudock
Emergency Preparedness	Balland
Personnel Committee	Manchester & Fairbrother
Community Service Award	Balland & Hudock
Parks Commission	Hudock

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 7-09
PLANNING BOARD COMMITTEE ASSIGNMENTS

Resolution by: Manchester
Seconded by: Hudock

RESOLVE the Town Board Councilpersons be assigned as Liaisons to the Planning Board as follows:

January through March	Smith
April through June	Hudock
July through September	Manchester
October through December	Fairbrother

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 8-09
FIREWORKS COMMISSIONER APPOINTED

Resolution by: Hudock
Seconded by: Balland

RESOLVE the Town Board appoints Mike Smith Fireworks Commissioner.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 9-09
HEALTH AND DENTAL INSURANCE PREMIUM

Resolution by: Hudock
Seconded by: Balland

RESOLVE that the Town Board requires current Town employees participating in health and dental insurance to pay 11% of the premium, and

FURTHER RESOLVED Town employees and/or employees who choose to participate in health and dental insurance after January 1, 2006 to pay 15% of the premium.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 10-09
TOWN OFFICIAL NEWSPAPER DESIGNATED

Resolution by: Hudock
Seconded by: Balland

RESOLVE the Town Board designates the Elmira Star Gazette as the Town's official newspaper.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 11-09
SUPERVISOR DIRECTED TO PUBLISH ANNUAL REPORT

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board directs the Supervisor to publish the Annual Report in the approved form.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 12-09
BANKS DESIGNATED

Resolution by: Balland
Seconded by: Hudock

RESOLVE the Town Board designates Chemung Canal Trust Company, Five Star National Bank and JP Morgan-Chase Bank the official depositories.

CARRIED: AYES: Hudock, Fairbrother, Balland NAYS: None
ABSTAIN: Manchester ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 13-09
SUPERVISOR AUTHORIZED TO INVEST TOWN FUNDS

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board authorizes the Supervisor to invest monies, not needed for immediate expenditures, according to the regulations of the State Department of Audit and Control and the investment policy adopted January 1988.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 14-09
SUPERVISOR AUTHORIZED TO ADVANCE MONEY

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board be authorized to advance money for educational meetings or workshops as provided by General Municipal Law 77b.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 15-09
ATTENDANCE AT EDUCATIONAL PROGRAMS AUTHORIZED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board authorize Town Officials and employees to attend educational programs concerning Town business, as approved by the Town Board, with all legal expenses charged to the Town, except for those Town Officials and employees supervised by and including the Commissioner of Public Works.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 16-09

ATTENDANCE AT COUNTY MUNICIPAL CLERKS MEETINGS AUTHORIZED

Resolution by: Fairbrother

Seconded by: Manchester

RESOLVE the Town Board authorize the attendance at County Municipal Clerks meetings, as authorized in their 2009 budget, for Teresa Dean, Sheree McGannon, and Robert Newlun at the Town's expense.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

RESOLUTION NO. 17-09

AUTHORIZATION OF OVERTIME

Resolution by: Manchester

Seconded by: Hudock

RESOLVE the Town Supervisor be authorized to approve overtime pay for Town employees as setforth in the Town Employee Handbook for emergencies only.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

RESOLUTION NO. 18-09

AUTHORIZATION FOR PURCHASES

Resolution by: Manchester

Seconded by: Hudock

RESOLVE the Town Board requires approval prior to obtaining services, parts, and other equipment for all purchases over the amount of \$1,000.00, including engineering or as otherwise provided by the Town Board.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 19-09
CONTINGENCY TRANSFERS

Resolution by: Manchester
Seconded by: Hudock

RESOLVE the Town Board requires all transfer requests exceeding \$500.00 from contingency and/or fund balance must come before the Town Board prior to obtaining services, parts, and other equipment not covered in their budget.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 20-09
JUSTICES AND TOWN COUNCIL AUTHORIZED TO CERTIFY PAPERS

Resolution by: Hudock
Seconded by: Fairbrother

RESOLVE the Town Justices and Town Council be authorized to certify papers and documents without charge.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 21-09
BLANKET BONDS OR BONDING AUTHORIZED FOR TOWN OFFICIALS

Resolution by: Hudock
Seconded by: Fairbrother

RESOLVE that blanket bonds or bonding be obtained for Town Officials, as required, and submit the names of Town Officers to the Insurance Agent.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 22-09
TRAVEL JURISDICTION AUTHORIZATION

Resolution by: Hudock
Seconded by: Fairbrother

RESOLVE the Town Board requires that all travel outside of New York State and Northern Pennsylvania for the purposes of conferences and/or workshops will require previous approval by the Town Board.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 23-09
MILEAGE ALLOWANCE SET

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board set mileage at \$0.55 per mile for Town Officials and employees when using their personal vehicles for official Town business, when authorized by the Town Board.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 24-09
CHEMUNG CANAL VISA AND UTILITY PREPAYMENT AUTHORIZED

Resolution by: Balland
Seconded by: Hudock

WHEREAS in order to avoid unnecessary fees and interest it is determined that it is in the best interest of the Town to pay the Chemung Canal VISA account and utility bills when it comes due, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 24-09, CHEMUNG CANAL VISA AND UTILITY PREPAYMENT
AUTHORIZED continued

BE IT THEREFORE RESOLVED the Town Supervisor is hereby authorized to pay the Chemung Canal VISA account and utility bills as it becomes due without prior approval of Town Board.

CARRIED: AYES: Hudock, Fairbrother, Balland NAYS: None
ABSTAIN: Manchester ABSENT: Smith

RESOLUTION NO. 25-09
2009 ELECTED OFFICIAL'S SALARIES SET

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board set the following salaries for elected officials:

Supervisor	\$29,506.00
Council Member (4)	\$ 6,800.00 each
Town Clerk	\$34,240.00
Tax Collector	\$ 7,014.00
Town Justice (2)	\$18,000.00

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 26-09
EFFECTIVE DATE OF APPOINTMENTS

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board set the effective date for appointments, unless otherwise stated, as January 1, 2009.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 27-09
WAGES SET FOR FULL TIME EMPLOYEES

Resolution by: Manchester
Seconded by: Balland

RESOLVE that the Town Board set wages for full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook for the following:

Thomas Reed	Attorney for the Town & Water Boards	\$33,042.00/Annual
Merlyn Tiwari	Bookkeeper	31,477.00/Annual
Sheree McGannon	Deputy Town Clerk	22,945.00/Annual
Helen Schwartz	Clerk to the Town Justice	30,560.00/Annual
Steve Polzella	Director of Planning	52,000.00/Annual
Tom Dobrydney	Planner	39,000.00/Annual
Timothy Gilbert	Building Inspector/Code Enforcement Officer	37,500.00/Annual
Brenda Belmonte	Secretary I	30,600.00/Annual
Teresa Dean	Deputy Tax Collector	462.00/Annual
Marge Tremaine	Youth Program Coordinator	28,366.00/Annual
Michelle Diliberto	Secretary I	29,250.00/Annual
Christopher Austin	Working Foreperson	50,000.00/Annual
P. Jay Boudreau	Water System Supervisor	51,459.00/Annual
Pamela Williamson	Senior Account Clerk	27,699.00/Annual
Pamela Williamson	Web Coordinator, General fund	789.00/Annual

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 28-09
WAGES SET FOR ASSESSOR

Resolution by: Manchester
Seconded by: Hudock

RESOLVE that the Town Board set wages for William Torp as Assessor for the Town of Big Flats as a full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook at a salary not-to-exceed \$35,224.00 annually with a term ending September 30, 2013.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 29-09
WAGES SET FOR COMMISSIONER OF PUBLIC WORKS

Resolution by: Manchester
Seconded by: Hudock

RESOLVE that the Town Board set wages for Larry Wagner as Commissioner of Public Works for the Town of Big Flats as a full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook at a salary not-to-exceed \$79,188.00 annually with an term ending December 31, 2010.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 30-09
WAGES SET FOR PART-TIME EMPLOYEES

Resolution by: Hudock
Seconded by: Fairbrother

RESOLVE that the Town Board set wages of part-time employees to be accepted and paid when due, with the option of New York State Retirement System and Deferred Compensation; however, no Town fringe benefits, for the following:

Dail Phelps	Clerk to the Town Justice	9.06/Hourly
Frances Decker	Clerk, Part-time	10.00/Hourly
Suzanne Brinthaup	Secretary to Supervisor	10.48/Hourly
Lorelei Wagner	Program Assistant, as needed	9.44/Hourly
Amber Renko	Recreation Specialist as needed	8.42/Hourly
Patricia Hartigan-Huten	Recreation Attendant	10.02/Hourly
Judith Zimmerman	Director of Recreation, Part-time	14.16/Hourly
Judith Kadlec	Community Center Secretary	10.51/Hourly
Thomas Saunders	Custodian, Part-time	8.75/Hourly
Robert Petrie	Custodian, Part-time	8.75/Hourly
Joseph Schichtel	Custodian, Part-time	7.91/Hourly
Donald Hamilton	Custodian, Part-time	8.50/Hourly
Becki Messner	Custodian, Part-time	8.50/Hourly
Dan Moss	Carpenter	25.00/Hourly
Robert Little	Carpenter	25.00/Hourly
Joanne Schucker	Newspaper Editor	9.20/Hourly
Grace Hagar	Newspaper Typist	8.78/Hourly
Sheila Dilmore	Newspaper Clerk	8.78/Hourly
Linda Patrick	Newspaper Clerk	8.67/Hourly
		not-to-exceed \$1000

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 31-09
TOWN HISTORIAN APPOINTED

Resolution by: Hudock
Seconded by: Balland

RESOLVE the Town Board appoints E. R. Van Etten Town Historian, at \$766.00 annually.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 32-09
WATER BOARD SECRETARY APPOINTED

Resolution by: Hudock
Seconded by: Balland

RESOLVE the Town Board appoints Teresa Dean Secretary to the Water Board.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 33-09
PLANNING BOARD / ZONING BOARD OF APPEALS SECRETARY APPOINTED

Resolution by: Hudock
Seconded by: Balland

RESOLVE the Town Board appoints Brenda Belmonte, Secretary 1 for the Planning Board and Zoning Board of Appeals.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 34-09
PARKS COMMISSION SECRETARY APPOINTED

Resolution by: Hudock
Seconded by: Balland

RESOLVE the Town Board appoints Michelle Diliberto, Secretary to the Parks Commission.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 35-09
COMMUNITY CENTER BOARD SECRETARY APPOINTED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board appoints Suzanne Brinthaup, Secretary for the Community Center Board at the rate of \$30.00 per meeting.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 36-09
BOARDS AND COMMISSION APPOINTMENT

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board appoints the following members to the listed Board/Commission with a term ending as specified:

Lance Muir	Planning Board	December 31, 2015
Suzanne Brinthaup	Parks Commission	December 31, 2015
Heather Hanson	Zoning Board of Appeals	December 31, 2013
Joyce Losey	Senior Citizens	December 31, 2015
Robert Newlun	Community Center Board	December 31, 2010

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 37-09
PARKS COMMISSION CHAIRPERSON APPOINTED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board appoints Sheila Dilmore as Parks Commission Chairperson for 2009.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 38-09
ZONING BOARD OF APPEALS CHAIRPERSON APPOINTED

Resolution by: Manchester
Seconded by: Hudock

RESOLVE the Town Board appoints Joe Rowe as Zoning Board of Appeals Chairperson for 2009.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 39-09
EMERGENCY PREPAREDNESS COMMITTEE CO-CHAIRPERSONS APPOINTED

Resolution by: Manchester
Seconded by: Hudock

RESOLVE the Town Board appoints Jane King and Mary Ann Balland as Emergency Preparedness Committee Co-chairpersons for 2009.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 40-09
COMMUNITY CENTER BOARD CHAIRPERSON APPOINTED

Resolution by: Manchester
Seconded by: Hudock

RESOLVE the Town Board appoints Robert Adams as Chairperson for the Community Center Board.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 41-09

COMPENSATION AUTHORIZED FOR BOARDS AND COMMISSIONS MEMBERS

Resolution by: Hudock

Seconded by: Manchester

RESOLVE the Town Board authorizes the Chairperson of the Big Flats Planning Board and Zoning Board of Appeals to be paid \$75.00 for each regularly scheduled monthly meeting actually attended by the Chairperson(s) and payment shall be made by a voucher and submitted to the Bookkeeper, and

FURTHER RESOLVED the Town Board authorizes the Chairperson of the Big Flats Parks Commission and Community Center Board to be paid \$50.00, for each regularly scheduled monthly meeting actually attended by the Chairperson(s) and payment shall be made by a voucher and submitted to the Bookkeeper, and

BE IT FURTHER RESOLVED that each regular member of the Parks Commission and Community Center Board of the Town of Big Flats shall be paid \$15.00 for each regularly scheduled monthly meeting, Zoning Board of Appeals members shall be paid \$25.00, and Planning Board members shall be paid \$25.00 not-to-exceed 18 meetings, actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

RESOLUTION NO. 42-09

ALTERNATE PLANNING BOARD MEMBER APPOINTMENT APPROVED

Resolution by: Hudock

Seconded by: Manchester

WHEREAS in Resolution 213-04 the Town Board adopted Local Law #5, 2004, titled "Town of Big Flats Planning Board Law" approving the position of Alternate Planning Board member, and

WHEREAS Robert Byland is currently a member of the Planning Board Applications Committee and has consented to be the Alternate Planning Board member, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR617.5(c)(20 and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves and hereby appoints Robert Byland as the Alternate Planning Board member for a term effective immediately ending December 31, 2009, and

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 42-09, ALTERNATE PLANNING BOARD MEMBER APPOINTMENT
continued

FURTHER RESOLVED the Town Board approves the Alternate Planning Board member shall be paid \$25.00 not-to-exceed 18 meetings, actually attended and representing the Town as a Planning Board member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 43-09

ALTERNATE ZONING BOARD OF APPEALS MEMBER APPOINTMENT APPROVED
Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS in Resolution 93-07 the Town Board adopted Local Law #3, 2007, titled "Town of Big Flats Zoning Board of Appeals Law" approving the position of Alternate Zoning Board of Appeals member, and

WHEREAS Harry King has consented to be the Alternate Zoning Board of Appeals member, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR617.5(c)(20 and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves and hereby appoints Harry King, 15 Kelley Drive, Big Flats as the Alternate Zoning Board of Appeals member for a term ending December 31, 2009, and

FURTHER RESOLVED the Town Board approves the Alternate Zoning Board of Appeals member shall be paid \$25.00 not-to-exceed 18 meetings, actually attended and representing the Town as a Planning Board member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 44-09

COMPENSATION AUTHORIZED FOR BOARD OF ASSESSMENT REVIEW MEMBERS

Resolution by: Manchester

Seconded by: Hudock

RESOLVE the Town Board authorizes the Chairperson of the Big Flats Board of Assessment Review to be paid \$100.00 for each session actually attended by the Chairperson and payment shall be made by a voucher and submitted to the Bookkeeper, and

BE IT FURTHER RESOLVED that each regular member of the Board of Assessment Review members shall be paid \$50.00 for each session actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

RESOLUTION NO. 45-09

SUPERVISOR AUTHORIZED TO HIRE PERSONNEL WHEN NEEDED

Resolution by: Manchester

Seconded by: Hudock

RESOLVE the Town Board authorize the Supervisor to hire personnel, when prudent and necessary, with the range being \$7.15 to \$8.50 per hour not-to-exceed 21 days without Town Board approval.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

RESOLUTION NO. 46-09

TEMPORARY STAFF SERVICES APPROVED

Resolution by: Manchester

Seconded by: Hudock

RESOLVE the Town Board authorizes the Town Supervisor to hire temporary help from the approved list of Sheila Dilmore, Peggy Zelko and Grace Hagar at a rate of \$8.78 per hour; and Deanne Williams at a rate of \$10.35 per hour as needed.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 47-09
JUSTICES AUTHORIZED TO HIRE STENOGRAPHER

Resolution by: Hudock
Seconded by: Manchester

RESOLVE the Town Board authorizes the Town Justices to hire a stenographer at the prevailing rate, as necessary, provided they are covered in the budget.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 48-09
AGREEMENT AND RECEIVER OF REVENUE ON BEHALF OF THE BIG FLATS
COMMUNITY CENTER APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Community Center Board has established a Use Policy and Agreement and a Fee Schedule for those who wish to use the Community Center, and

WHEREAS it has been determined that receivers of revenue will be required to collect the agreements and fees associated with the use of the Community Center, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Judith Kadlec, Grace Hagar, Peggy Zelko, and Judith Zimmerman as Receivers of Revenue for the Community Center.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 49-09
APPOINTMENT OF RECEIVERS OF REVENUE FOR WATER DISTRICTS

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board appoints Pamela Kowulich, Suzanne Brinthaup, Mary Ann Balland, Merlyn Tiwari, Sheila Dilmore, Frances Decker, Jay Boudreau, Michelle Diliberto, Grace Hagar, and Deanne Williams as Receivers of Revenue for the Water Districts.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 50-09
COMMISSIONER OF PUBLIC WORKS PURCHASES AMOUNT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to make purchases up to \$5,000.00 for parts, services, and other equipment for use in the Department of Public Works, as necessary, provided they are covered in the budget.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 51-09
COMMISSIONER OF PUBLIC WORKS AUTHORIZED TO ADVERTISE FOR BIDS

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board authorizes the Commissioner of Public Works to advertise for bids on tires, salt, cinders, sand, parts and tools, as needed.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 52-09
COMMISSIONER OF PUBLIC WORKS AUTHORIZED TO ACCEPT STATE & COUNTY
BIDS

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board authorizes the Commissioner of Public Works to accept State and County bids for any and all items under State and County bid system, provided they are covered in the Highway budget; with the exception that any bid for vehicles and equipment shall be subject to prior Town Board approval.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO 53-09
COMMISSIONER OF PUBLIC WORKS PURCHASE APPROVAL AUTHORIZED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board authorizes the Town Supervisor or Commissioner of Public Works, where applicable; be authorized to approve purchases or services during emergencies exceeding \$1,000.00.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 54-09
COMMISSIONER OF PUBLIC WORKS HIRING TEMPORARY AGENCIES AUTHORIZED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board authorizes the hiring of people from temporary agencies be pre-approved by the Town Board, Town Supervisor or Commissioner of Public Works, where applicable.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 55-09
SECTION 284 OF THE HIGHWAY LAW AGREEMENT APPROVED

Resolution by: Manchester
Seconded by: Hudock

WHEREAS in accordance with Highway Law, Section 284, the Town Supervisor, Town Board, and Commissioner of Public Works are required to enter into an agreement regarding moneys levied and collected in the Town for repair and improvement of highways, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED, in accordance with Highway Law, Section 284, the Town Supervisor, Town Board and Commissioner of Public Works are authorized to enter into the Agreement for the Expenditure of Highway Moneys.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 56-09
SAFETY OFFICER APPOINTMENT

Resolution by: Manchester
Seconded by: Hudock

WHEREAS the Town Board has determined a need to appoint a safety officer for the Town of Big Flats, now

BE IT THEREFORE RESOLVED the Town Board appoints Larry Wagner, Commissioner of Public Works as Safety Officer.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 57-09

SENIOR BUS TRIP COORDINATOR / ADVISORY COMMITTEE APPOINTMENT

Resolution by: Hudock
Seconded by: Fairbrother

WHEREAS the Town Board has determined that a committee should be established for senior trip activities, and

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED the Town Board appoints Albert and Linda Redner as Coordinators for the Senior Bus Trips, and

FURTHER RESOLVED that an Advisory Committee be establish comprised of Dick and Jean Leavenworth, Don and Betty Walker, Norma and Bob Newlun, and Albert and Linda Redner to plan Senior Bus Trips and other activities appropriate for the Big Flats Senior Citizen Committee.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 58-09

PETTY CASH FUNDS ESTABLISHED

Resolution by: Hudock
Seconded by: Fairbrother

RESOLVE the Town Board establishes the following Petty Cash Funds:

Tax Collector	\$100.00
Town Clerk	\$ 50.00
Town Justices	\$ 75.00
Water District #1, #2, #3, and #4	\$ 50.00 each
Building Inspector	\$ 25.00
Bookkeeping	\$ 25.00
Department of Public Works	\$ 50.00
Community Center	\$ 50.00

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 59-09
CONTRACT FOR BASKET WEAVING INSTRUCTOR APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Basket Weaving Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Debbie Blauvelt for the purpose of teaching basket weaving at a cost of the following:

Amy's Basket	\$25.00; Bee hive	\$18.00; Blueberry Love	\$25.00;
Blueberry Large	\$28.00; Bread basket	\$28.00;	
Casserole, 1 handle	\$32.00; Casserole, 2 handle	\$37.00; Catch-all	\$23.00;
Cherry Picking	\$23.00; Clothespin	\$20.00; Country Kettle	\$37.00;
Curly Wall	\$23.00; Easter	\$22.00; Elbow	\$18.00;
Emily's	\$18.00; Fancy Tool	\$20.00; French	\$22.00;
Friendship	\$22.00; Frosty	\$18.00; Grape gathering	\$35.00;
Hattie's	\$25.00; Heart (shallow)	\$18.00; Itty Bitty	\$18.00;
Jingle Bell	\$17.00; Just a Cutie	\$12.00; Large Tote	\$42.00;
Lazy Hearts	\$25.00; Lunch box	\$22.00; Magazine	\$26.00;
Matchstick	\$18.00; Mom's	\$15.00; Monica's	\$25.00;
Nancy's Market	\$28.00; Napkin	\$22.00; Oval	\$23.00;
Penobscot	\$28.00; Picnic	\$30.00; Pie basket	\$25.00;
Pie Large	\$28.00; Red Riding Hood	\$26.00; Small Blueberry	\$25.00;
Small welcome	\$18.00; Strawberry Love	\$23.00; Wine, single	\$28.00;
Wine, double	\$22.00; Williamsburg	\$30.00 per person; and	

FURTHER RESOLVED said contract is approved in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 60-09
CONTRACT WITH BONNIE RANIEWICZ - YOGA INSTRUCTOR APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Yoga Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Bonnie Raniewicz for the purpose of teaching yoga classes at the cost of \$25.00 per session in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 61-09
CONTRACT WITH COLLEEN LaDELIA - PILATES INSTRUCTOR APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Pilates Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Colleen LaDelia for the purpose of teaching Pilates classes at a cost of 70% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 62-09

CONTRACT WITH DEBBY THOMSON AS THE NIA INSTRUCTOR APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Nia Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Debby Thomson for the purpose of teaching Nia classes at the cost of 80% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

RESOLUTION NO. 63-09

CONTRACT WITH MEGHAN TUAZON AS THE NIA INSTRUCTION APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Nia Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Meghan Tuazon for the purpose of teaching Nia classes at the cost of 80% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 64-09

DEPARTMENT OF CORRECTIONAL SERVICES AGREEMENT APPROVED

Resolution by: Fairbrother

Seconded by: Manchester

WHEREAS the Commissioner of Public Works has requested the Town Board enter into an agreement with the Department of Correctional Services for the purpose of providing labor services for the cleaning and maintaining of Town roads, parks, ditches, drainage swales, and other applicable services as necessary, and

WHEREAS for environmental review purposes the Town Board finds the hiring of personnel to be a Type II Action and as such no environmental review is required,

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the required Agreement for calendar year 2009 with the Department of Correctional Services for the purposes of providing labor services for the cleaning and maintaining of Town roads, parks, ditches, drainage swales, and other applicable services as necessary.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

RESOLUTION NO. 65-09

GST BOCES AGREEMENT APPROVED

Resolution by: Fairbrother

Seconded by: Manchester

WHEREAS Greater Southern Tier (GST) BOCES proposes to provided necessary drug and alcohol testing for applicable Town Employees, and

WHEREAS GST BOCES proposal fully and adequately provides the necessary services herein at a fair and service at a cost of \$103.00 per driver, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Commissioner of Public Works is hereby authorized to execute a one-year agreement with GST BOCES at the annual cost of \$103.00 per Town driver, for the purposes of conducting the necessary drug and alcohol testing of the applicable Town employees.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 66-09
DAVIS-ULMER AGREEMENT APPROVED

Resolution by: Manchester
Seconded by: Hudock

WHEREAS testing and inspection of the sprinkler systems and backflow preventers is required by New York State regulations, and

WHEREAS at the request of the Commissioner of Public Works, Davis-Ulmer, Inc. has submitted a proposal to provide inspection, testing, and preventative maintenance for the sprinkler systems and backflow preventers in the Community Center and two Department of Public Works buildings, and

WHEREAS the inspection, testing, and preventative maintenance of the sprinkler system will be performed in accordance with 901.6 of the Fire Code of New York State and Chapters 5 and 12 of NFPA 25-1998 edition, and

WHEREAS the Commissioner of Public Works recommends the Town Board enter into a maintenance agreement with Davis-Ulmer, Inc for the purpose of providing inspection, testing, and preventative maintenance on the sprinkler systems and backflow preventers within said buildings, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to enter into an agreement with Davis-Ulmer, Inc. for the purpose of providing inspection, testing, and preventative maintenance on the sprinkler systems and backflow preventers for the Community Center and two Department of Public Works buildings at a cost of \$885.00 annually.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 67-09
AGREEMENT WITH BRIGGS APPRAISAL SERVICES APPROVED

Resolution by: Manchester
Seconded by: Hudock

WHEREAS the Town Board has, as recommended by the Assessor, determined it necessary to contract with Briggs Appraisal Services for the purposes of review and assessment for properties located in the Town of Big Flats, and

WHEREAS the administration process of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Briggs Appraisal Services for professional services at a cost not-to-exceed \$10,000.00 contingent upon the review and approval of the Attorney for the Town.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 68-09
CRANBERRY FOG CONTRACT APPROVED

Resolution by: Manchester
Seconded by: Hudock

WHEREAS the Town Board has determined that a computer consultant is needed and has previously entered into contracts with Marc Chevalier of Cranberry Fog, and

WHEREAS a contact is necessary for the year 2009, and

WHEREAS the hiring of personnel is a Type II action for purposes of SEQRA and as such, no further action is necessary regarding the same.

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Cranberry Fog as proposed for the purpose of services for a period running from January 1, 2009 through December 31, 2009 for a total cost not-to-exceed \$19,260.00.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 69-09
MUNICIPAL HIGHWAY AGREEMENT APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS, all municipalities, including the Town of Big Flats have the power and authority to contract for the purpose of renting, leasing, exchanging or borrowing of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, all municipalities, including the Town of Big Flats have the power and authority to borrow or lend materials and supplies to other municipalities, and

WHEREAS, it is hereby determined that the Town of Big Flats and other municipalities have machinery and equipment which is not used at all times but lie idle during certain periods, and

WHEREAS, it is determined that the Town of Big Flats and other municipalities often have materials and supplies on hand which are not immediately needed, and

WHEREAS, it is hereby determined that by the renting, borrowing, exchanging or leasing of highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Big Flats and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or keeping a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

WHEREAS, all municipalities have the power and authority to contract for the purpose of renting, leasing, exchanging or borrowing of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, all municipalities have the power and authority to borrow or lend materials and supplies to other municipalities, and

WHEREAS, it is hereby determined that the Town of Big Flats and other municipalities have machinery and equipment which is not used at all times but lie idle during certain periods, and

WHEREAS, it is determined that the Town of Big Flats and other municipalities often have materials and supplies on hand which are not immediately needed, and

WHEREAS, it is hereby determined that by the renting, borrowing, exchanging or leasing of highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Big Flats and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or keeping a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 69-09, MUNICIPAL HIGHWAY AGREEMENT continued

WHEREAS, it is recognized and determined, from a practical working arrangement, that no program of borrowing, exchanging, leasing or renting of highway machinery and equipment or borrowing or lending of materials can be successful if each individual arrangement or agreement has to receive prior approval by the Town Board and governing board of each of the other municipalities which may be parties to such agreements, since such agreements must often be made on short notice and at times when governing board are not in session , and

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be quickly obtained with a minimum of paperwork and inconvenience and with a swift approval process, and

WHEREAS, it is the intent of this Town Board to give the Commissioner of Public Works the authority to enter into renting, exchanging, borrowing and lending agreements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Town Board prior to the making of each individual agreement, and

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities which contract will grant the person holding the position comparable to that of superintendent authority to make similar agreements, and

WHEREAS, it is hereby determined that it will be in the best interests of the Town of Big Flats to be a party to such an agreement, and

NOW, THEREFORE, BE IT RESOLVED, that the chief executive officer of Town of Big Flats is hereby authorized to sign on behalf of the Town, the following contract:

CONTRACT OF SHARED SERVICES

§1. For the purposes of this contract, the following terms shall be defined as follows:

"Designated filing Agent" shall mean the central place where all similar contracts for highway shared services are filed as agreed upon by all participating municipalities.

"Municipality" shall mean any city, county, town or village which has agreed to be bound by a contract of shared services identical in terms and effect with this contract and has filed a certified copy of a resolution to that effect with the designated filing agent as defined herein.

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 69-09, MUNICIPAL HIGHWAY AGREEMENT continued

"Contract" shall mean the text of this agreement which is identical in terms and effect with similar agreements, notwithstanding that each such contract is signed only by the Chief executive officer of each participating municipality filing the same, and upon such filing each filing municipality accepts the terms of the contract to the same degree and effect if each chief executive officer had signed each individual contract.

"Shared Services" shall mean any service provided by one municipality for another municipality that is consistent with the purposes and intent of this contract and shall include but shall not be limited to:

- the renting, exchanging, or lending of highway machinery, tools and equipment, with or without operators, conditioned on such other municipality providing a similar service, or a service of equal value, in exchange;
- the borrowing or lending of supplies between municipalities on a temporary basis conditioned upon the replacement of such supplies or conditioned upon the obtaining of equal value through the provision of a service by the borrower or by the lending of equipment by the borrow, the value of which is equal to the borrowed supplies;
- the providing of a specific service for another municipality, conditioned on such other municipality providing a similar service, or a service of equal value, in exchange.

"Commissioner of Public Works" shall mean, the case of a county, the county superintendent of highways, or the person having the power and authority to perform the duties generally performed by county superintendents of highways; in the case of a town, "superintendent" shall mean the town superintendent of highways; in the case of a village, "superintendent" shall mean the superintendent of public works.

§ 2. The undersigned municipality has caused this agreement to be executed and to bind itself to the terms of this contract and it will consider this contract to be applicable to any municipality which has filed a similar contract in the office of the designated filing agent and which has sent a notice of such filing to the officer signing this agreement and the Superintendent of the Town of Big Flats.

§ 3. The undersigned municipality by this agreement grants unto the Commissioner of Public Works the authority to enter into any shared service agreement with any other municipality or other municipalities subject to the following terms and conditions.

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009
RESOLUTION NO. 69-09, MUNICIPAL HIGHWAY AGREEMENT continued

- a. The Town of Big Flats agrees to rent or exchange or borrow from any municipality any and all materials, machinery and equipment, with or without operators, which it may need for the purposes of the Town. The determination as to whether such machinery, with or without operators, is needed by the Town shall be made by the Superintendent. The value of materials or supplies borrowed from another municipality under this agreement may be returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of equal value, to be determined by mutual agreement of the respective Superintendents.
- b. The Town of Big Flats agrees to rent, exchange or lend to any municipality any and all materials, machinery, and equipment, with or without operators, which such municipality may need for its purposes. The determination as to whether such machinery or material is available for renting, exchanging or lending shall be made by the Superintendent. In the event the Superintendent determines that it will be in the interests of the Town/Village to lend to any other municipality, the Superintendent is hereby authorized to lend to another municipality. The value of supplies or materials loaned to another municipality may be returned to the Town of Big Flats by the borrowing municipality in the form of similar types and amounts of materials or supplies, or by the use of equipment or receipt of services of equal value, to be determined by mutual agreement of the respective Superintendents.
- c. An operator of equipment rented or loaned to another municipality, when operating such equipment for the borrowing municipality, shall be subject to the direction and control of the Commissioner of Public Works of the borrowing municipality in relation to the manner in which the work is to be completed. However, the method by which the machine is to be operated shall be determined by the operator.
- d. When receiving the services of an operator with a machine or equipment, the receiving Commissioner of Public Works shall make no request of any operator which would be inconsistent with any labor agreement that exists for the benefit of the operator in the municipality by which the operator is employed.
- e. The lending municipality shall be liable for any negligent acts resulting from the operation of its machinery or equipment by its own operator. In the event damages are caused as a result of directions given to perform work, then the lending municipality shall be held harmless by the borrowing municipality.
- f. Each municipality shall remain fully responsible for its own employees, including salary, benefits and workers compensation.

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 69-09, MUNICIPAL HIGHWAY AGREEMENT continued

§ 4. The renting, borrowing or leasing of any particular piece of machinery or equipment, or the exchanging or borrowing of materials or supplies, or the providing of a specific service shall be evidenced by the signing of a memorandum by the Superintendent. Such memorandum may be delivered to the other party via mail, personal delivery or by facsimile machine. In the event there is no written acceptance of the memorandum, the using of the machinery, the receipt of the materials or supplies or the acceptance of a service shall be evidence of the acceptance of the offer to rent, exchange or lend.

§ 5. In the event any shared agreement is made without the memorandum at the time of receipt of the shared service, the Superintendent receiving the shared service shall, within five (5) days thereof, send to the provider a memorandum identifying the type, time and date of the acceptance of the shared service. In the event such shared service related to or included the receipt of any materials or supplies, such memorandum shall identify such materials or supplies and the time and place of delivery.

§6. In the event a municipality wishes to rent machinery or equipment from another municipality or in the event a municipality wishes to determine the value of such renting for purposes of exchanging shared services of a comparable value, it is agreed that the value of the shared service shall be as set forth in the memorandum.

§7. All machinery and the operator, for purposes of workers compensation, liability and any other relationship with third parties, except as provided in §3e of this agreement, shall be considered the machinery of and the employee of the municipality owning the machinery and equipment.

§8. In the event machinery or equipment being operated by an employee of the owning municipality is damaged or otherwise in need of repair while working for another municipality, the municipality owning the machinery or equipment shall be responsible to make or pay for such repairs. In the event machinery or equipment is operated by an employee of the borrowing, receiving or renting municipality, such municipality shall be responsible for such repairs.

§9. Records shall be maintained by each municipality setting forth all machinery rentals, exchanges, borrowings or other shared services. Such records will be available for inspection by any municipality which has shared services with such municipality.

§10. In the event any dispute arises relating to any shared service, and in the event such dispute cannot be resolved between the parties, such dispute shall be subject to mediation, as may be promulgated.

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 69-09, MUNICIPAL HIGHWAY AGREEMENT continued

§11. Any action taken by the Commissioner of Public Works pursuant to the provisions of this contract shall be consistent with the duties of such official and expenditures incurred shall not exceed the amounts set forth in the Town budget for highway purposes.

§12. A record of all transactions that have taken place as a result of the Town participating in the services afforded by this contract shall be kept by the Commissioner of Public Works and a statement thereof, in a manner satisfactory to the Town Board, shall be submitted to the Town Board semi-annually on or before the first day of June and on or before the first day of December of each year following the filing of the contract with the designated filing agent, unless the Town Board requests the submission of records at different times and dates.

§13. If any provision of this agreement is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid and operative, or if it cannot be so modified, then severed and the remainder of the contract shall continue in full force and effect as if the contract has been signed or filed with the designated filing agent with the invalid person s modified or eliminated.

§14. Any party to this contract may revoke such contract by sending a notice of such revocation to the designated filing agent and a copy thereof to each participating municipality filing as required by paragraph 1 of this contract, within the definition of "Municipality". Upon the revocation of such contract, any outstanding obligations shall be settled within thirty days of such revocation unless the parties with whom an obligation is due agree in writing to extend such date of settlement.

§15. This contract shall be reviewed each year by the Town Board and shall expire five (5) years from the date of its signing by the Chief Executive Officer. The Town Board may extend or renew this contract at the termination thereof for another five (5) year period.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 70-09
PREPAYMENT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board authorizes the following prepayments:

W.J. Farmer Insurance	\$51,073.14
PERMA, Workers Compensation Premium	\$40,605.00
Association of Towns for 2009 Association Membership Dues	\$ 1,100.00
KVS	\$ 4,096.00

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 71-09
ENCUMBRANCE FUNDS APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board authorizes the following encumbrances:

Court Office	2003 grant to set up security mechanisms	\$ 3,196.00
	2008 balance of unused JCAP grants	\$30,957.00
General Fund	Behan & Associates	\$25,000.00

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 72-09
SUPPORT FOR 2009 RESOLUTIONS AT THE ASSOCIATION OF TOWNS MEETING
APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Board has received numerous resolutions from the Association of Towns to be considered at their 2009 training school, and

WHEREAS the Town Board is in agreement with the resolutions, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009
RESOLUTION NO. 72-09, SUPPORT FOR 2009 RESOLUTIONS AT THE ASSOCIATION OF TOWNS
MEETING APPROVED continued

BE IT THEREFORE RESOLVED that the Town Board of the Town of Big Flats supports the adoption of the following resolutions submitted by the Association of Towns of the State of New York:

- Preserve and Strengthen Home Rule;
- Mandate Relief;
- Highway Transportation Funding;
- Highway Mutual Aid;
- Local Road Classification;
- Water, Wastewater and Stormwater Infrastructure Aid;
- Preserve and Strengthen Local Government's Role in the Siting of Energy Generation Facilities;
- Publication of Legal Notices;
- Preservation of Town Registrars and Vital Statistics;
- Economic Stimulus;
- GML 207-C Disability Benefits for Law Enforcement Reform;
- Reform Real Property Tax System.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 73-09
CHEMUNG COUNTY DEPARTMENT OF AGING AND LONG TERM CARE
AGREEMENT APPROVED

Resolution by: Manchester
Seconded by: Hudock

WHEREAS the Town Board has determined to enter into a lease agreement with Chemung County for the purposes of providing a community hall and kitchen areas, utilities and heat for the Congregate Meal Program for the Chemung County Office for the Aging, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a lease agreement with Chemung County for the purpose of providing a community hall and kitchen areas, utilities and heat for the Congregate Meal Program for the Chemung County Department of Aging and Long Term Care.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 74-09
FEE SCHEDULE ADOPTED

Resolution by: Hudock
Seconded by: Fairbrother

WHEREAS to alleviate any undo burden to the tax payers in the Town of Big Flats and to adequately reimburse the Town for services provided to private citizens and developers by employees of the Town, and

WHEREAS the Town has evaluated and considered the cost associated with various application reviews, variances, permits, inspections and licensing finds that the cost for the services provided by the Town are reasonable and attributable to the applicant for such considerations, review, licensing or permit, and

WHEREAS for environmental review purposes the adoption of a Fee Schedule is a Type II action under SEQRA, 6NYCRR part 617.5(c)(19) and (26), now

BE IT THEREFORE RESOLVED that all expenses incurred by the Town relating to applications and licensing as required by the Town Code are to be paid by the applicant for such actions, and

FURTHER RESOLVED that the fees listed in this resolution are in addition to the consultant, inspection and/or legal pass-thorough fees pursuant to Local Law No. 10, 2001, Chapter 2.08 of the Town Code, and

FURTHER RESOLVED that the following application and licensing fee schedules are hereby adopted and in effect for the listed activities or actions:

COMMUNITY CENTER RENTAL FEES				
GROUP	ROOM	SECURITY DEPOSIT	8:00 am-9:00 pm	After 9:00 pm and Saturdays
1. Town Sponsored groups	A, B, C, D, Kitchen-catering, Kitchen-classroom, Great Room			

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

2 & 3. Local Non-profit and Private Resident	A	\$30.00		\$10.00/hour
	B	\$30.00		\$10.00/hour
	C	\$30.00		\$10.00/hour
	D	\$30.00		\$10.00/hour
	Kitchen-catering			\$50.00 flat fee*
	Kitchen-classroom	\$50.00		\$10.00/hour**
	Great Room	\$100.00		\$75.00/hour***
	Patio	\$30.00		\$10.00/hour*
	Conference Room			\$10.00/hour
4. Private Non-resident	A	\$50.00	\$10.00/hour	\$20.00/hour
	B	\$50.00	\$10.00/hour	\$20.00/hour
	C	\$50.00	\$10.00/hour	\$20.00/hour
	D	\$50.00	\$10.00/hour	\$20.00/hour
	Kitchen-catering		\$100.00 flat fee	\$200.00 flat fee*
	Kitchen-classroom	\$75.00	\$25.00/hour	\$50.00/hour**
	Great Room	\$150.00	\$75.00/hour	\$150.00/hour****
	Patio	\$50.00	\$10.00/hour*	\$20.00/hour*
	Conference Room		\$10.00/hour	\$20.00/hour
5. Business Resident	A	\$50.00	\$15.00/hour	\$30.00/hour
	B	\$50.00	\$15.00/hour	\$30.00/hour
	C	\$50.00	\$15.00/hour	\$30.00/hour
	D	\$50.00	\$15.00/hour	\$30.00/hour
	Kitchen-catering		\$100.00 flat fee	\$200.00 flat fee*
	Kitchen-classroom	\$75.00	\$25.00/hour	\$50.00/hour **
	Great Room	\$150.00	\$75.00/hour	\$150.00/hour****
	Patio	\$50.00	\$15.00/hour*	\$30.00/hour*
	Conference Room		\$15.00/hour	\$30.00/hour

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

6. Business Non-resident	A	\$75.00	\$25.00/hour	\$50.00/hour
	B	\$75.00	\$25.00/hour	\$50.00/hour
	C	\$75.00	\$25.00/hour	\$50.00/hour
	D	\$75.00	\$25.00/hour	\$50.00/hour
	Kitchen-catering		\$150.00 flat fee	\$250.00 flat fee*
	Kitchen-classroom	\$100.00	\$50.00/hour	\$75.00/hour**
	Great Room	\$200.00	\$200.00/hour	\$300.00/hour****
	Patio	\$75.00	\$25.00/hour*	\$50.00/hour*
	Conference Room		\$25.00/hour	\$50.00/hour

*In conjunction with Great Room

**Use minimum 2 hours

***Minimum of 4 hours and if table/chair(s) are required, there is a set-up/teardown cost:

Minimum \$25.00 for 30-50 people
 \$50.00 for 51-150 people
 \$75.00 for 150+ people

For Groups of 40-75 the charge will be \$45.00

For groups of 76+ the charge will be \$75.00

****Minimum of 4 hours and if table/chair(s) are required, there is a set-up/teardown cost:

Minimum \$25.00 for 30-50 people
 \$50.00 for 51-150 people
 \$75.00 for 150+ people

BUILDING PERMIT APPLICATION FEE SCHEDULE

PROJECT TITLE	BASE FEE	ADDITIONAL FEES
1 & 2 Family Properties	\$ 25.00	Add \$1.00 per thousand of construction cost AND Add \$0.10 per square foot for new construction (living space)
Multi-family and Apartments	\$ 40.00	Add \$1.00 per thousand of construction cost AND Add \$0.10 per square foot for new construction (living space)
Commercial & Industrial	\$ 50.00	Add \$2.00 per thousand of construction cost AND Add \$0.02 per square foot for remodeling AND Add \$0.10 per square foot for new construction

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

Demolition and Removal Permits	\$ 25.00 \$ 50.00	Residential Commercial
Driveway / Curb Cut	\$ 10.00 \$ 50.00	Residential Commercial
Mobile Home Setup	\$ 75.00	NA
Sheds	\$ 25.00	With NO dimension larger than 16'
Swimming Pools	\$ 30.00	In ground and above ground
Signs	\$ 25.00	PLUS \$0.25 square foot Add \$50.00 for freestanding sign
Systems Permits (HVAC, plumbing, electric, other mechanical)	\$ 25.00 \$ 75.00	Residential Commercial
Building without a Permit	\$50.00	PLUS cost of permit
Permit Renewal	50% of cost of original permit	NA – renewal for 6 months.
Fuel Tank Removal / Installation (Commercial)	\$30.00	NA
Fuel Dispensing Island with canopy	\$50.00	NA

FIRE INSPECTION FEES FOR COMMERCIAL BUILDINGS

<i>Square foot of floor space</i>	<i>Base fee¹</i>	<i>Each visit over base fee</i>
Up to 1,000 sq. ft.	\$25.00	\$10.00
1001 to 3000 sq. ft.	\$50.00	\$25.00
3,001 to 10,000 sq. ft.	\$100.00	\$30.00
10,001 to 50,000 sq. ft.	\$150.00	\$40.00
50,001 to 100,000 sq. ft.	\$200.00	\$50.00
100,001 sq. ft. and over	\$500.00	\$100.00

In multiple occupants building each tenant will be charged a separate fee.

OPERATIONAL PERMITS:

Assembly – yearly will be included with base inspection fee.

Commercial – every three (3) years will be included in base inspection fee.

Single Event – Pyrotechnics, outdoor events and all others = \$100.00

RESIDENTIAL:

1 and 2 family	exempt
Apartments	\$15.00 each

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

APPLICATION TO THE PLANNING BOARD

Site Plan Review

- Residential \$250.00, plus \$50.00 per 1,000 sf gross floor area
- Non-Residential \$500.00, plus \$150.00 per 2,500 sf gross floor area
- Concept Plan \$200.00, fee goes toward full review

Subdivision

- 2 lots or less \$200.00 plus \$50.00 per lot
- 3 lots or more \$500.00 plus \$100.00 per lot
- Concept Plan \$200.00, fee goes toward full review

APPLICATION FEES FOR SPECIAL PERMIT, VARIANCE, ZONING AMENDMENT	
APPLICATION	BASE FEE
SPECIAL PERMIT	
ALL	\$150
VARIANCE	
RESIDENTIAL AREA	\$250*
NON-RESIDENTIAL AREA	\$500*
SIGN	\$250 – Residential* \$500.00 – non-residential *
USE	\$1,000
ZONING AMENDMENT	
UP TO 5 ACRES	\$100
5 - 25 ACRES	\$250
25+ ACRES	\$500

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

OTHER PERMITS FEE SCHEDULE	
APPLICATION	BASE FEE
TIMBER HARVEST PERMIT	\$35 plus the required Performance Bond or Certified Check at the rate of \$30.00 per acre or a maximum of \$2,500 for the purposes outlined in Chapter 5.16 of the Town Code
FLOODPLAIN DEVELOPMENT PERMIT	\$25
JUNK DEALERS' LICENSE	\$50
PEDDLERS AND SOLICITORS LICENSE	\$25 plus \$10 for each additional person or vehicle used for the purposes outlined in Local Law # 8 of 2001, Chapter 5.12 of the Town Code
UNREGISTERED MOTOR VEHICLE PERMIT	
1 – 60 DAYS	\$25
61 – 120 DAYS	\$50
121 – 270 DAYS	\$150
271 – 365 DAYS	\$300
* per relief requested	

PHOTO COPYING FEES	
SIZE/DOCUMENTS	\$ PER PAGE
<9" X 14"	\$.25
>9" X 14", plans, Subdivision Plat, books, codes & other large documents	Actual cost of reproduction or procurement
DOG LICENSES FEES	
	FEE ²
Spayed Females/Neutered Males	\$3.50
Un-spayed Females/Un-neutered Males	\$9.50

¹Based on initial visit and on follow-up visit.

²State fees are in addition to the local fees listed in this table.

PENALTY RATES: A one-time late payment penalty rate of ten percent (10%) shall be imposed for any fee not paid within thirty days of written notice of such fee. After November 1, any amount remaining due for any unpaid permit fees will be included in the annual Town tax levy, and the amount so levied will include an administrative service fee of twenty-five dollars (\$25.00) and a delinquent account penalty of one hundred seventy five dollars (\$175.00).

NOTE: A consultant, inspection and/or legal pass-through fee pursuant to Chapter 2.08 of the Town Code may be applicable in addition to any application fee listed in this schedule

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 75-09
COMMUNITY CENTER BOARD AMENDMENT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board adopted Resolution No. 97-07, January 24, 2007, which amended Resolution No. 144-04, June 9, 2004, establishing a Community Center Board whose purpose is to review and provide updates of the Use Policy and Agreement and monitor the daily activities of said facility, and

WHEREAS the Community Center Board, in a recommendation received December 9, 2008, recommends the Town Board consider changes to the establishment of the Board, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board amends the establishment of the Community Center Board by changing the name to "Community Center Advisory Board", and

FURTHER RESOLVED the Community Center Advisory Board will meet a minimum of four times per year to be held the first Thursday in March, June, September and December of each year, and

FURTHER RESOLVED to comprise of five members; four community representatives, one person from the Senior Citizens Committee, and

FURTHER RESOLVED the Town Board will appoint two community representatives for a two-year term and two community representatives for a three-year term, and

FURTHER RESOLVED the representative from the Senior Citizen Committee will be appointed annually by the Town Board at the Town Board's Organizational Meeting, and

FURTHER RESOLVED the Youth Program Coordinator, working with youth, will be a non-voting member, and

FURTHER RESOLVED the Town Board authorizes the Chairperson of the Community Center Advisory Board to be paid \$50.00 for each regularly scheduled monthly meeting actually attended by the Chairperson(s) and payment shall be made by a voucher and submitted to the Bookkeeper, and

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2009

RESOLUTION NO. 75-09, COMMUNITY CENTER BOARD AMENDMENT continued

FURTHER RESOLVED each regular member of the Community Center Advisory Board of the Town of Big Flats shall be paid \$15.00 for each regularly scheduled monthly meeting actually attended by said member and payment shall be made by a voucher and submitted to the Bookkeeper, and

FURTHER RESOLVED a secretary, as recommended by the Community Center Advisory Board, will be appointed by the Town Board at the Town Board's Organization Meeting.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 76-09
PLANNING BOARD CHAIRPERSON APPOINTED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board appoints Lance Muir as Planning Board Chairperson for 2009.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 77-09
PARKS COMMISSION MEETINGS APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Parks Commission number of meetings for the year not-to-exceed eight (8) meetings per year.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to adjourn the Town Board meeting at 10:10 p.m. All in favor, except Councilperson Smith was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JANUARY 14, 2009

PRESENT: Supervisor Mary Ann Balland
Council Edward Fairbrother
Marcia Hudock
David Manchester
Clerk Teresa Dean

ABSENT: Council Michael Smith
Attorney Thomas W. Reed II

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and request those present to participate in the Pledge of Allegiance.

REPORTS

Supervisor Balland stated the following reports for December 2008 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; SPCA Monthly Report; Ag & Markets; Community Center Minutes; Department of Public Works; Assessor Monthly Report.

Councilperson Manchester reported that the flexible spending presentation was held and the cut off date for employees to sign up for flexible spending is January 20, 2009. Paycheck's is reviewing the option of payroll; however, there are concerns with whether or not they can interface with the Town payroll software. A conference call is scheduled for January 20, 2009.

Councilperson Fairbrother stated the business group met and positive feedback was given.

Supervisor Balland reported that Behan Associates would be holding a focus group meeting on February 6, 2009. Highway shared services met and an update was provided. A discussion was held with the Interim Director of the SPCA and they may provide a brief presentation in February.

CONCERNS OF THE PEOPLE. None

RESOLUTION NO. 78-09

COMMUNITY CENTER ADVISORY BOARD AMENDMENT APPROVED

Resolution by: Fairbrother

Seconded by: Hudock

WHEREAS the Town Board amends Resolution No. 36-09 which appointed members to the listed Board/Commission with a term ending as specified, and

WHEREAS the Community Center Board appointment was not correct and requires an amendment, now

MINUTES OF TOWN BOARD MEETING OF JANUARY 14, 2009

RESOLUTION NO. 78-09, COMMUNITY CENTER ADVISORY BOARD AMENDMENT
continued

BE IT THEREFORE RESOLVED the Town Board amends Resolution No. 36-09 to correct the appointment of Robert Newlun to the Community Center Advisory Board with a term ending December 31, 2009

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock
NAYS: None ABSENT: Smith

RESOLUTION NO. 79-09
BASKET WEAVING STYLES AND COST AMENDMENT APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town Board adopted Resolution No. 59-09 and the Community Center staff had not provided an update of the Basket Weaving Instructor and now requires amendment, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Debbie Blauvelt for the purpose of teaching basket weaving at a cost of the following amendment:

Amy's Basket	\$25.00; Bee hive	\$18.00; Blueberry Love	\$25.00;
Blueberry Large	\$28.00; Blueberry Small	\$25.00; Bread basket	\$28.00;
Blanket	\$35.00; Cathead Muffin	\$22.00; Carolina Beach	\$37.00;
Casserole, 1 handle	\$32.00; Casserole, 2 handle	\$37.00; Catch-all	\$23.00;
Cherry Picking	\$23.00; Clothespin	\$20.00; Country Kettle	\$37.00;
Curly Wall	\$23.00; Easter	\$18.00; Elbow	\$18.00;
Emily's	\$18.00; Fancy Tool	\$20.00; French	\$22.00;
Friendship	\$22.00; Frosty	\$18.00; Grape gathering	\$35.00;
Hattie's	\$25.00; Heart (shallow)	\$18.00; Itty Bitty	\$18.00;
Jingle Bell	\$17.00; Just a Cutie	\$12.00; Judy's Med Tote	\$38.00;
Kelly	\$20.00; Large Tote	\$42.00; Lazy Hearts	\$25.00;
Lunch box	\$22.00; Magazine	\$26.00; Matchstick	\$18.00;
Mom's	\$15.00; Monica's	\$25.00; Nancy's Market	\$28.00;
Napkin	\$22.00; Oval	\$23.00; Penobscot	\$28.00;
Picnic	\$30.00; Pie basket	\$25.00; Pie Large	\$28.00;
Red Riding Hood	\$26.00; Small welcome	\$18.00; Strawberry Love	\$23.00;
Wine, single	\$28.00; Wine, double	\$22.00; Williamsburg	\$30.00

per person; and

MINUTES OF TOWN BOARD MEETING OF JANUARY 14, 2009

RESOLUTION NO. 79-09, BASKET WEAVING STYLES AND COST AMENDMENT
continued

FURTHER RESOLVED said contract is approved in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

RESOLUTION NO. 80-09
COMMUNITY CENTER ADVISORY BOARD MEETING REFERENCE APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board adopted Resolution No. 97-07, January 24, 2007, which amended Resolution No. 144-04, June 9, 2004, establishing a Community Center Board whose purpose is to review and provide updates of the Use Policy and Agreement and monitor the daily activities of said facility, and

WHEREAS the Community Center Board, in a recommendation received December 9, 2008, recommends the Town Board consider changes to the establishment of the Board, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board amends the establishment of the Community Center Board by changing the name to "Community Center Advisory Board", and

FURTHER RESOLVED the Community Center Advisory Board will meet a minimum of four times per year to be held the first Thursday in March, June, September and December of each year, and

FURTHER RESOLVED to comprise of five members; four community representatives, one person from the Senior Citizens Committee, and

FURTHER RESOLVED the Town Board will appoint two community representatives for a two-year term and two community representatives for a three-year term, and

FURTHER RESOLVED the representative from the Senior Citizen Committee will be appointed annually by the Town Board at the Town Board's Organizational Meeting, and

FURTHER RESOLVED the Youth Program Coordinator, working with youth, will be a non-voting member, and

MINUTES OF TOWN BOARD MEETING OF JANUARY 14, 2009

RESOLUTION NO. 80-09, COMMUNITY CENTER ADVISORY BOARD MEETING
REFERENCE continued

FURTHER RESOLVED the Town Board authorizes the Chairperson of the Community Center Advisory Board to be paid \$50.00 for each regularly scheduled meeting actually attended by the Chairperson(s) and payment shall be made by a voucher and submitted to the Bookkeeper, and

FURTHER RESOLVED each regular member of the Community Center Advisory Board of the Town of Big Flats shall be paid \$15.00 for each regularly scheduled meeting actually attended by said member and payment shall be made by a voucher and submitted to the Bookkeeper, and

FURTHER RESOLVED a secretary, as recommended by the Community Center Advisory Board, will be appointed by the Town Board at the Town Board's Organization Meeting.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

NEW BUSINESS

RESOLUTION NO. 81-09
YOGALATES INSTRUCTOR CONTRACT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Yogalates Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Colleen LaDelia for the purpose of teaching Yogalates classes at a cost of 70% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF JANUARY 14, 2009

RESOLUTION NO. 82-09
PART-TIME PLUMBER APPOINTMENT APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

RESOLVE that the Town Board set wages of the part-time employees to be accepted and paid when due, with the option of New York State Retirement System and Deferred Compensation; however, no Town fringe benefits, for the following:

Thomas Ward	Part-time Plumber	25.00/Hourly
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CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

RESOLUTION NO. 83-09
YOUNG ACTORS WORKSHOP DIRECTOR CONTRACT APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Community Center Director has determined and recommended that director for the Young Actors Workshop is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Meghan Tuazon for the purpose of directing acting classes at the cost of 80% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

RESOLUTION NO. 84-09
NIA INSTRUCTION CONTRACT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Nia Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

MINUTES OF TOWN BOARD MEETING OF JANUARY 14, 2009

RESOLUTION NO. 84-09, NIA INSTRUCTION CONTRACT continued

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Elizabeth Nalbach for the purpose of teaching Nia classes at the cost of 80% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

RESOLUTION NO. 85-09
SENIOR STRENGTH TRAINING INSTRUCTOR CONTRACT APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Community Center Director has determined and recommended that a Nia Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Tanya McGary for the purpose of teaching Senior Strength Training classes at a cost of \$30.00 for punch card or \$6.00 drop-in fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

RESOLUTION NO. 86-09
TIMOTHY GILBERT- CORNING COMMUNITY COLLEGE APPROVED

Resolution by: Hudock
Seconded by: Balland

WHEREAS a request has been submitted by Timothy Gilbert, dated January 7, 2009, requesting authorization to attend a (1) Computer Literature and Microcomputer Applications and (2) College Composition I courses offered by Corning Community College, and

MINUTES OF TOWN BOARD MEETING OF JANUARY 14, 2009

RESOLUTION NO. 86-09, TIMOTHY GILBERT- CORNING COMMUNITY COLLEGE
continued

WHEREAS the course is beneficial to the job performed by Mr. Gilbert, and

WHEREAS said course does not require using a town vehicle, lodging or meals, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Timothy Gilbert to attend a (1) Computer Literature and Microcomputer Applications and (2) College Composition I courses offered by Corning Community College and permits the reimbursement of said funds as outlined in the Town of Big Flats Employee Handbook and Resolution No. 202-01.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

RESOLUTION NO. 87-09
SOUTHERN TIER ECONOMIC GROWTH APPROVED

Resolution by: Manchester
Seconded by: Hudock

WHEREAS the Town Board has determined to enter into an agreement with Southern Tier Economic Growth Inc. (STEG) for the purposes of providing continued economic growth and development services, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Southern Tier Economic Growth Inc. for the purpose of providing continued economic growth and development services for calendar year 2009 at a cost not to exceed \$1,000.00

CARRIED: AYES: Hudock, Manchester, Balland
NAYS: Fairbrother ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF JANUARY 14, 2009

RESOLUTION NO. 88-09
RENAMING LOWE ROAD DESIGNATION APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS it is the recommendation from the Parks Commission to rename the road known as “Trooper A.J. Sperr Drive” to be known as “Lowe Road”, and

WHEREAS under the authority of Town Law §64 (9) the Town Board can name streets, and

WHEREAS it has been determined that the Town Board would like to return the name of the existing Trooper A .J. Speer Drive to Lowe Road, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby designates “Trooper A.J. Sperr Drive” to be known as “Lowe Road”.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

RESOLUTION NO. 89-09
“MEMORIAL PARK” TO “SPERR MEMORIAL PARK” DESIGNATION APPROVED

Resolution by: Hudock
Seconded by: Fairbrother

WHEREAS it is the recommendation from the Parks Commission to rename the park now known as “Memorial Park” to “Sperr Memorial Park”, and

WHEREAS it has been determined by the Parks Commission that the Park surrounding Lowe Pond currently known as “Memorial Park” be renamed to “Sperr Memorial Park” to honor the fallen NYS Trooper for the protection he gave to the community and making the ultimate sacrifice, and, consistency in naming as most of the community refers to the park as “Sperr Park”, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby designates the park surrounding Lowe Pond as the “Sperr Memorial Park”.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF JANUARY 14, 2009

Councilperson Manchester disclosed that he does not have a conflict of interest in the establishment of the flexible spending program using Chemung Canal Trust Company.

RESOLUTION NO. 90-09
FLEXIBLE SPENDING ACCOUNT ESTABLISHMENT PROGRAM APPROVED

Resolution by: Manchester

Seconded by: Hudock

WHEREAS the Town of Big Flats has previously authorized the use of Flexible Spending Accounts (FSA) for qualifying health and dependent care expenses for qualifying Town employees as per the Town of Big Flats Employee Handbook, and

WHEREAS, the Town of Big Flats has received and reviewed proposals to administer such accounts for the Town by certain vendors for such services, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby approves the contracting with Paychex Incorporated for the administration of the Town's Flexible Spending Account Program as per Paychex Incorporated's submitted proposal, and

BE IT FURTHER RESOLVED that the Bookkeeper is hereby authorized to establish such Flexible Spending Accounts with Chemung Canal Trust Company.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

RESOLUTION NO. 91-09
FLEXIBLE SPENDING ACCOUNT MAXIMUM AMOUNT APPROVED

Resolution by: Manchester

Seconded by: Fairbrother

WHEREAS the Town of Big Flats has previously authorized the use of Flexible Spending Accounts (FSA) for qualifying health and dependent care expenses for qualifying Town employees as per the Town of Big Flats Employee Handbook and has duly established such accounts in the Chemung Canal Trust Company, and

WHEREAS, the Town of Big Flats is required to establish the maximum contributions to be made to such FSA accounts, and

MINUTES OF TOWN BOARD MEETING OF JANUARY 14, 2009

RESOLUTION NO. 91-09, FLEXIBLE SPENDING ACCOUNT MAXIMUM AMOUNT
continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the applicable caps on the Town Flexible Spending Accounts for Health and Dependent expenses are hereby established to be in the amount of \$2,400.00 for unreimbursed medical costs and the IRS maximum amount for dependent care expenses.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother
NAYS: None ABSENT: Smith

CORRESPONDENCE

Programming Update/Time Warner Cable. A letter was received from David Whalen, Vice President of Public and Governmental Relations for Time Warner Cable, dated January 5, 2009, informing the Town of the routinely expiring programmers.

Model Plan Update/NYS Deferred Compensation Board. A notice was received from Edward Lilly, Executive Director for NYS Deferred Compensation Board, dated January 5, 2009, informing the Town Board of new laws that would affect deferred compensation plans.

NOTE: Attorney Reed arrived at 4:49 p.m.

Codification Update/LexisNexis. A letter was received from LexisNexis, dated January 2, 2009, informing the Town Board that they have decided to no longer offer codification services for municipalities; however, they picked Municipal Code Corporation (MCC) to take over the codification.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 4:50 p.m. All in favor, except Councilperson Smith was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

PRESENT: Supervisor Mary Ann Balland
Council Edward Fairbrother
Marcia Hudock
David Manchester
Michael Smith
Clerk Teresa Dean

ABSENT: Attorney Thomas W. Reed II

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and request those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE. None

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester to approve the minutes of December 30, 2008 as presented. All in favor, except Councilperson Smith abstained. Motion carried.

Supervisor Balland made a motion, seconded by Councilperson Hudock to approve the minutes of January 2, 2009 with the correction of Resolution No. 43-09, should read "12 meetings, actually attended and representing the Town as a Zoning Board of Appeals member". All in favor, except Councilperson Smith abstained. Motion carried.

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother to approve the minutes of January 14, 2009 as presented. All in favor, except Councilperson Smith abstained. Motion carried.

REPORTS

Supervisor Balland reported an estimate was received to paint all offices downstairs. The consensus of the Town Board was to obtain a minimum of three quotes.

Note: Attorney Reed arrived at 4:10 p.m.

Councilperson Fairbrother reported Big Flats Fire District No. 1 has eight interior responders and 39 active members.

Councilperson Manchester reported a conference call was held with Paychex to discuss the potential of contracting with them for our payroll.

NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 92-09
DDAA GIS CONFERENCE ATTENDANCE APPROVED

Resolution by: Manchester
Seconded by: Balland

WHEREAS a request was signed by the Town Supervisor from the Department of Planning to attend the DDAA GIS Conference in Huntsville, AL as a guest speaker and participate from March 30-April 1, 2009, and

WHEREAS the cost of the conference is being covered by DDAA GIS as a result of his status as a guest speaker, except for meals, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Stephen J. Polzella to attend and speak at the DDAA GIS Conference in Huntsville, AL from March 30-April 1, 2009 with all appropriate expenses to be allocated from the appropriate funds.

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

RESOLUTION NO. 93-09
HUGH T. SEELY CONTRACT FOR GIS AND PLANNING SERVICES APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Town of Big Flats Department of Planning has been in development of a Town geographic information system, and

WHEREAS Hugh T. Seely has been identified as a capable GIS technician, and

WHEREAS the Town of Big Flats has secured funding agreements, and

WHEREAS the contractor will provide GIS and planning services at a contract rate of \$16.00 per hour not-to-exceed \$9,500.00, and

WHEREAS the Director of Planning will provide a work plan to the contractor, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a contract for 2009 with Hugh T. Seely, 11 Appletree Lane, Osceola, Pa 16942, for GIS and planning services for the term of January 1, 2009 to June 30, 2009.

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 94-09

GUTCHESS LUMBER TIMBER HARVESTING OF TAX PARCEL # 47.00-1-39, 47.00-1-40,
and 47.00-1-32.1 APPROVED

Resolution by: Hudock

Seconded by: Manchester

WHEREAS a Timber Harvesting Application has been received from Gutchess Lumber Company to harvest 39,000 board feet of timber from approximately 38 acres of land owned by James E. VanNordstrand, Marilea A. VanNordstrand, Randal W. VanNordstrand, Joyce L. VanNordstrand, Tax Parcels 47.00-1-39, 47.00-1-40 and 47.00-1-32.1, and

WHEREAS the Town Board finds this action to be an Unlisted Action Under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will begin on February 4, 2009.
2. The skid roads are already installed and all water bars will be maintained during and after the harvest.
3. The landing area and all skid roads will be smoothed up and free of debris, also the landing and skid roads will be seeded with a conservation mix after the harvest is complete.
4. There is a small stream that will have a portable bridge placed over it during the harvest. The attached sale map shows the stream crossing and sale area.

BE IT THEREFORE RESOLVED the application for a timber harvesting permit submitted by Gutchess Lumber Company is approved as follows:

1. The logging operation, as proposed will involve trucks using Upson Road to Chambers Road to Interstate 86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield.
2. The transport of logs may only occur between the hours of 9:00am to 7:00pm daily with the exception that on days public schools are in session the transport of logs may not occur between the hours of 1:30 and 4:30pm.
3. Upson Road & Chambers Road shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and must be cleaned when required by the Code Enforcement Officer as a result of any inspections.

Prior to Obtaining Permit

4. A performance guarantee in the form of a certified check for \$1140 must be posted with the Planning & Code Office before any timber harvesting may begin. The performance guarantee will be returned upon the satisfactory completion of all logging operations, compliance with conditions of this resolution, and a final inspection of the timber harvesting site by the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.

Prior to any Logging Operations

5. Proof of Vehicle, General Liability, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and for property damage of \$250,000 for logging operations, unless authorized by the Town Board and the Town Attorney. The Town of Big Flats must be listed as an additional insured and said proof must be filed with the Planning & Code Office at least 48 hours before commencing any

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 94-09, GUTCHESS LUMBER TIMBER HARVESTING continued

logging operations. Said proof of insurance must be approved by the Town Attorney prior to commencement of work.

6. Notification, in the form of a letter and a copy of the map showing the approved logging area must be provided to all abutters.

During Harvesting Activity

7. The logger shall notify the Code Enforcement Officer within five days of completion to coordinate onsite inspections.
8. The logging site shall be subject to periodic inspections by the Code Enforcement Officer, and Chemung County Soil & Water Conservation Service Representatives at any time during the course of the operation. These inspections will be done between 10:00am and 4:00pm.

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

RESOLUTION NO. 95-09
WILLIAMSON LAW BOOK COMPANY CONTRACT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Clerk and Tax Collector currently have the Williamson Law Book Company software, and

WHEREAS said Annual Software Support contract agreement has expired on January 1, 2009, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Annual Software Support contract with Williamson Law Book Company at a cost not-to-exceed \$770.00 commencing January 1, 2009 through December 31, 2009.

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 96-09

ASSOCIATION OF TOWNS TRAINING SCHOOL ATTENDANCE APPROVED

Resolution by: Balland

Seconded by: Hudock

WHEREAS the Association of Towns will host their annual 2009 Training School & Annual Meeting on February 15-18, 2009 for Town Officers and Government Officials, and

WHEREAS it has been determined by the Town that representatives should attend said meeting, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Tom Reed - Attorney for the Town to attend the Association of Towns conference with all appropriate expenses, not-to-exceed \$1,200.00, to be paid from the appropriate budget.

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith

NAYS: None

RESOLUTION NO. 97-09

ASSOCIATION OF TOWNS TRAINING SCHOOL ATTENDANCE DENIED

Resolution by: Balland

Seconded by: Hudock

WHEREAS the Association of Towns will host their annual 2009 Training School & Annual Meeting on February 15-18, 2009 for Town Officers and Government Officials, and

WHEREAS it has been determined by the Town that representatives should attend said meeting, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Marcia Hudock – Town Council to attend the Association of Towns conference with all appropriate expenses, not-to-exceed \$1,200.00, to be paid from the appropriate budgets.

DENIED: AYES: Balland, Hudock

NAYS: Fairbrother, Manchester, Smith

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 98-09
FULL TIME SALARIES SET

Resolution by: Fairbrother
Seconded by: Balland

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board set wages for the following full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook for the following, effective February 2, 2009 for Timothy Gilbert, Building Inspector/Code Enforcement Officer at \$38,250.00/Annual, and

FURTHER RESOLVED the Town Board set wages for the following full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook for the following, effective January 19, 2009 for Michele Diliberto, Secretary I for the Department of Public Works at \$29,835.00/Annual.

CARRIED: AYES: Fairbrother, Balland, Manchester, Smith
NAYS: Hudock

RESOLUTION NO. 99-09
WORKPLACE VIOLENCE POLICY APPROVED

Resolution by: Manchester
Seconded by: Hudock

RESOLVE the Town Board adopts the following Workplace Violence Policy to be included in the Employee Handbook:

**TOWN OF BIG FLATS
WORKPLACE VIOLENCE POLICY**

In compliance with the New York State Workplace Violence Law effective March 1, 2007, Town of Big Flats has created this policy for the safety, health, and well being of all employees, and to minimize the risk of personal injury to employees and damage to Town and personal property.

Prohibited Conduct

Criminal, violent, intimidating, abusive or discriminating behaviors, gestures, or acts in the workplace will not be tolerated. For purposes of this policy workplace violence, including threats, verbal and physical assaults, batteries, harassment, stalking, and other forms of intimidation, is generally defined as:

RESOLUTION NO. 99-09, WORKPLACE VIOLENCE POLICY continued

“Any act, gesture or statement that is interpreted by any employee as threatening, abusive or intimidating; any act or omission that is physically or emotionally damaging to employees in the workplace, on Town property, or in any setting that is related to Town business or policy, regardless of the location of such acts”.

Workplace violence includes the above actions, gestures or statements between:

- two or more employees
- any employee(s) and a supervisor, manager or department head
- any employee(s) and a non-employee

Duty to Report a Threat

Employees are not expected to subdue a threatening or violent individual. Indeed, Town of Big Flats specifically discourages employees from engaging in any physical confrontation with a violent or potentially violent individual. However, employees are encouraged to exercise reasonable judgment in identifying potentially dangerous situations, and are hereby required to report knowledge of violence or potential violence in the workplace to the Town. Such reports shall follow the procedures set forth herein.

For informational purposes, prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in Town policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or Supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; or demonstrating a propensity to behave and react irrationally.

Procedures for Reporting a Threat

If you are the recipient of a threat, or a witness to the same, made by an outside party, a fellow employee, or a Supervisor, please follow the steps detailed in this section. It is important for us to be aware of any potential danger in our offices. Indeed, we want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

All potentially dangerous situations as described herein should be reported immediately to your Supervisor, any member of management, the Town Supervisor, or the local police agency (911).

Reports of threats will be maintained confidential to the extent that maintaining confidentiality does not impede our ability to investigate and respond to the complaints. The Town will take swift and appropriate corrective action, and all threats will be promptly investigated. No employee will be subject to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 99-09, WORKPLACE VIOLENCE POLICY continued

Employees found to have engaged in such acts shall be subject to immediate disciplinary action, up to and including dismissal from employment. Members of the general public exhibiting such behaviors will be escorted from Town property and may be subject to criminal prosecution. Employees falsely accusing another employee or individual under this policy will be dealt with in the same manner as a person guilty of workplace violence.

Once a report or complaint has been filed, immediate action will be taken to separate employees involved in order to prevent any further chance of workplace violence acts to be committed. Separation will continue until the formal investigation of the matter is completed and a finding is rendered.

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

RESOLUTION NO. 100-09
2008 ACCOUNT PAYABLES APPROVED

Resolution by: Smith
Seconded by: Fairbrother

RESOLVE the Town Board approve the following 2008 Account Payables:
GENERAL FUND

All Ways Distributing	A1620.0400	\$ 260.00
Chemung County Clerk	A1940.0200	\$ 25.00
Chemung Canal Trust Co.	A7110.0400	\$ 81.82
	A1640.0400	\$ 28.00
	A1355.0400	\$ 34.16
	A8160.0400	\$ 167.16
	A8810.0400	\$ 21.96
	A8020.0400	\$ 129.94
	A8021.0400	\$ 24.98
	A8540.0400	\$ 143.62
	A7310.0400	\$ 894.76
	A1110.0400	\$ 17.99
	A1355.0400	\$ 28.77
	A7140.0400	\$ 684.48
Matthew Church	A1010.0400	\$ 232.70
Cintas Corporation #121	A1620.0400	\$ 65.00
Coyne Textile Services	A7140.0400	\$ 117.88
Gilbert, Timothy	A8021.0400	\$ 468.18
Highway Fund	A8021.0400	\$ 166.03
	A7110.0400	\$ 836.09
	A8540.0400	\$ 140.36
	A1355.0400	\$ 36.82
	A1410.0400	\$ 19.81
	A8020.0400	\$ 218.56
	A7310.0400	\$ 51.81

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 100-09, 2008 ACCOUNT PAYABLES continued

Horwitz Supply	A7140.0400	\$ 51.10
Paul Mayo	A7110.0400	\$ 247.32
NYS Labor Dept	A9050.0800	\$ 3,116.00
Perry & Carroll, Inc.	A1910.0400	\$ 86.00
SDS	A8160.0400	\$ 282.78
Hugh Seely	A8020.0400	\$ 768.00
Spotts Innovations, Inc.	A1620.0400	\$ 698.00
Stanley Access	A1620.0400	\$ 302.15
Staples	A1355.0400	\$ 30.41
Star Gazette	A8010.0400	\$ 17.16

HIGHWAY FUND

ACI Supply Company	D5130.0400	\$ 20.01
Applied Industrial	D5130.0400	\$ 230.03
Bradco Supply Co.	D5130.0400	\$ 145.84
	D5130.0400	\$ 63.42
Cargill Inc.	D5142.0400	\$19,245.64
Chemung Canal Trust Co.	D5130.0400	\$ 170.51
Champion Fasteners Inc.	D5130.0400	\$ 41.42
Cook Brothers Truck Parts	D5130.0400	\$ 561.72
Dalrymple Gravel	D5142.0400	\$ 2,571.13
Frey, The Wheelman, Inc.	D5130.0400	\$ 174.49
Griffith Energy	D5110.0400	\$ 6,769.83
Paul Mayo	D5130.0400	\$ 1,051.10
Monroe Tractor	D5130.0400	\$ 88.45
NAPA Auto Parts	D5130.0400	\$ 225.46
Parmenter, Inc.	D5130.0400	\$ 471.72
Regional International	D5130.0400	\$ 81.95
Williams Lubricants Inc.	D5130.0400	\$ 68.25

WATER FUND

Blair Supply Corporation	S28340.0400	\$ 545.50
Benchmark Analytics, Inc.	S18340.0400	\$ 92.25
	S28340.0400	\$ 76.88
	S38340.0400	\$ 30.76
	S48340.0400	\$ 15.38
Chemung Canal Trust Co.	S18320.0400	\$ 7.38
	S28320.0400	\$ 36.05
	S38320.0400	\$ 2.70
	S48320.0400	\$ 0.54
	S18310.0400	\$ 7.96
	S28310.0400	\$ 7.96
	S38310.0400	\$ 2.92
	S48310.0400	\$ 0.59
	S38330.0400	\$ 3.78
	S28330.0400	\$ 9.95

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 100-09, 2008 ACCOUNT PAYABLES continued

	\$18330.0400	\$	9.95
Highway Department	\$18310.0400	\$	436.80
	\$28310.0400	\$	436.80
	\$38310.0400	\$	159.81
	\$48310.0400	\$	31.96
Jones Specialty Services	\$18340.0400	\$	91.56
	\$28340.0400	\$	91.56
	\$38340.0400	\$	34.88
Paul Mayo	\$18310.0400	\$	101.40
	\$28310.0400	\$	101.40
	\$38310.0400	\$	37.10
	\$48310.0400	\$	7.42
RL Callahan, Inc.	\$28340.0400	\$	74.32
Ross Valve Mfg. Co., Inc.	\$18320.0400	\$	353.65
	\$28320.0400	\$	353.65
	\$38320.0400	\$	134.72

CAPITAL PROJECT #8

Chemung Canal Trust Co.	H87110.0200	\$	15.92
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CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

RESOLUTION NO. 101-09
2008 GENERAL FUND BUDGET AMENDMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Court received a grant for two workstations and interlocking chairs, and

WHEREAS due to the receipt of said grant, a budget amendment is required to facilitate the revenue and expenditures, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the following 2008 General Fund budget amendment:

Increase Estimated Revenue	A0510	\$7,690.00
Increase Court Aid	A3021	\$7,690.00
Increase Appropriations	A0960	\$7,690.00
Increase Justice	A110.0401	\$7,690.00

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 102-09
2008 BUDGET TRANSFERS APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS some accounts have exceeded their budget limits, and

WHEREAS budget transfers are required, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the following 2008 budget transfers:

GENERAL			
From:	Workers Comp. Ins.	A9040.0800	\$231.00
To:	Town Board	A1010.0400	\$231.00

and

HIGHWAY			
From:	Hospital & Medical Ins.	D9060.0800	\$ 505.00
	Machinery	D5130.0400	\$7,889.00
To:	Snow Removal	D5142.0400	\$8,394.00

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

RESOLUTION NO. 103-09
2009 BUDGET AMENDMENTS APPROVED

Resolution by: Manchester
Seconded by: Balland

WHEREAS it has been determined a 2009 budget amendment is needed for the Court and Town Hall Capital expenditures, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the following amendment:

2009 GENERAL FUND

FROM: Fund Balance	A909	\$528,000.00	
Increase Transfers to Capital project	A9950.09000		\$528,000.00
Increase Appropriations	A0960		\$528,000.00
Increase Appropriated Fund Balance	A0599		\$528,000.00

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 103-09, 2009 BUDGET AMENDMENT continued

2009 CAPITAL PROJECT

Increase Estimated Revenue	H60510	\$528,000.00
Increase Interfund Transfers	H65031	\$528,000.00

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

RESOLUTION NO. 104-09
2009 GENERAL FUND BUDGET AMENDMENT APPROVED

Resolution by: Hudock
Seconded by: Smith

WHEREAS Community Days, Inc. donated money to help finance the construction costs for Jacobus Pavilion, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the following 2009 General Fund budget amendment:

Increase Estimated Revenue	A0510	\$21,750.00
Increase Gifts & Donations	A2705	\$21,750.00
Increase Appropriations	A0960	\$21,750.00
Increase Parks	A7110.0400	\$21,750.00

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

RESOLUTION NO. 105-09
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for January 2009, vouchers 8000 – 8135, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$213,349.85
HIGHWAY FUND	\$ 73,235.27
WATER DISTRICT #1	\$ 8,897.48
WATER DISTRICT #2	\$ 11,132.82
WATER DISTRICT #3	\$ 4,309.03
WATER DISTRICT #4	\$ 632.52
LIGHTING DISTRICT	\$ 806.78
TRUST & AGENCY	\$ 496.19
CAPITAL PROJECT #6	\$177,809.25

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2009

RESOLUTION NO. 105-09, ABSTRACT OF AUDITED VOUCHERS continued

CAPITAL PROJECT #9	\$ 15.92
DEBT SERVICES	\$150,000.00

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session following the Town Board meeting to discuss contract negotiations. All in favor, motion carried.

CORRESPONDENCE

Liquor License Renewal/Harris Hill Inn. A notice was received from John S. Powers, owner of Harris Hill Inn, dated January 15, 2009, informing the Town of their intent to renew their liquor license.

Liquor License Renewal/GMRI, Red Lobster. A letter was received from GMRI, Inc., dated January 12, 2009, informing the Town of the intent for Red Lobster to renew their liquor license.

December 23, 2008 Minutes/ZBA. The Zoning Board of Appeals meeting minutes for December 23, 2008 were received.

January 6, 2009 Minutes/PB. The Planning Board meeting minutes for January 6, 2009 were received.

The Town Board entered into Executive Session at 4:45 p.m.

Supervisor Balland reconvened the Town Board meeting at 6:08 p.m.

Since there was no further business to come before the Board, Councilperson Hudock made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 6:08 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF FEBRUARY 6, 2009

PRESENT: Supervisor Mary Ann Balland
Council Marcia Hudock
David Manchester
Michael Smith
Clerk Teresa Dean

ABSENT: Council Edward Fairbrother
Attorney Thomas W. Reed II

Supervisor Balland called the Special Town Board meeting to order at 9:30 a.m.

Chris Whittaker, Community Planner for Behan Planning and Design explained he would review the zoning recommendations report, commercial design guidelines intent, public process for the project and the next step. Prior to beginning these reviews, Mr. Whittaker introduced Lawrence Bice – Senior Planner and Michael Welti, AICP – Director of Planning Services also from Behan Planning and Design.

The following key items were reviewed and discussed:

- Incentive zoning;
- Inclusionary Housing;

NOTE: Attorney Reed arrived at 9:45 a.m.

- Planned Unit Development;
- Big Box Regulations;
- Possible Options
 - Special permit requirements
 - Demolition bond
 - Reuse plan
 - SEQRA
- Town Center;
- Form based zoning
 - Look at character and design development
 - Look at how uses integrate with each other
 - Incorporated as part of a update GEIS for park
- Commercial Design Guidelines
 - Clear idea
 - Efficient
 - Reference tool for developers
- Other Recommendations
 - Revise bulk & density tables
 - Amend definitions
 - Guidance for small scale renewable energy
 - Limit applicability in Ridgeline Overlay review process to projects that would directly impact Ridgeline Overlay District
 - Review and revise parking and sign code

MINUTES OF SPECIAL TOWN BOARD MEETING OF FEBRUARY 6, 2009

- Public Process Discussion; and
- Next Step
 - Build out analysis under existing regulations (late February)
 - Completion of Commercial Design Guidelines (late March)
 - Additional focus groups and public workshops
 - Creation of new zoning districts and update zoning code
 - Adoption by Town Board (June)

The Town Board entered into a temporary recess at 11:14 a.m.

Supervisor Balland reconvened the Special Town Board Meeting at 12:05 p.m. Note: Councilperson Smith was excused.

Mr. Whittaker provided an introduction and explained what they have done so far and the next step for the Town of Big Flats zoning project.

Some of the concerns raised included:

- Financial strains on small businesses;
- Landscaping requirements not flexible enough;
- Guidelines being mandated and not a reference;
- Lack of Town staff having flexibility after approved Site Plans;
- Design standards being incorporated in the zoning law;
- Guidelines being retroactive;
- Zoning not customer friendly; and
- Lack of small business representation on Town committees.

Concerns with specific elements of the Code included:

- Staff should provide all required information when someone is inquiring of a property;
- Review process – time frames for small businesses are the same as large big box businesses. Shorten the review process for small businesses;
- Non-conforming lots and/or uses – need more flexibility when there is no potential to change to a conforming lot or use.

Mr. Whittaker thanked those present and reviewed the next step.

Supervisor Balland adjourned the Town Board meeting at 1:00 p.m.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 11, 2009

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Marcia Hudock
 David Manchester
 Michael Smith
 Attorney Thomas W. Reed II
 Clerk Teresa Dean

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

REPORTS

Supervisor Balland reported that furniture was received from Corning Incorporated and the only items needed are tables and chairs for the Court and Conference Rooms.

Councilperson Manchester reported that Steve Polzella and Tom Dobrydney have successfully passed their Civil Service Examinations.

Supervisor Balland stated the January sales tax figure would be available at the end of the week. The Town Board is invited to the park re-dedication that will take place on March 1, 2009 at 1:00 p.m. at the Memorial Park on Kahler Road.

Supervisor Balland stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's; Ag & Markets; Community Center; Department of Public Works;
Assessor; Building Inspector/Code Enforcement Office; Justice Court; Supervisor Fund
Balance.

CONCERNS OF THE PEOPLE

Don Gaylord, 316 Reasor Hollow Road, asked what benefit the Town would receive from the Director of Planning attending a GIS conference in Alabama? Supervisor Balland explained that he is a speaker and the coordinators of the conference are paying for his hotel and airfare. Mr. Gaylord thought the Planner was the GIS person for the Town. Mr. Polzella explained that it is a premier conference; he is the Director of Planning and taught GIS to the Planner and Mr. Seely.

OLD BUSINESS

RESOLUTION NO.106-09

CHEMUNG COUNTY HUMANE SOCIETY & SPCA AGREEMENT APPROVED

Resolution by: Balland

Seconded by: Smith

WHEREAS the Town Board requested a proposal from the Chemung County Humane Society & SPCA for the purpose of conducting dog control, and

WHEREAS for environmental review purposes the Town Board finds this to be Type 2 administrative action pursuant to 6NYCRR 617.5(c)(19) and as such, no environmental review is required for a Type 2 action, now

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 11, 2009

RESOLUTION NO.106-09, CHEMUNG COUNTY HUMANE SOCIETY & SPCA
AGREEMENT continued

BE IT THEREFORE RESOLVED, the Town Board authorizes the Town Supervisor to enter into an agreement with the Chemung County Humane Society & SPCA for the purposes of conducting dog control at a cost not-to-exceed \$17,325.00 for the 2009 calendar year.

CARRIED: AYES: Smith Fairbrother, Balland, Manchester, Hudock
NAYS: None

NEW BUSINESS

RESOLUTION NO. 107-09
ALTERNATE ZONING BOARD OF APPEALS MEMBER APPOINTMENT

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS pursuant to Town Law Section 267(11)(a), the Town shall appoint by resolution, up to two alternate members to the Zoning Board of Appeals to substitute for a regular member of the Zoning Board of Appeals in the event the regular member of the Zoning Board of Appeals is unable to participate in matters before the Zoning Board of Appeals because of a conflict of interest, illness or absence, and

WHEREAS Diane Lantz has provided interest in writing to be the Alternate Zoning Board member, and

WHEREAS The Town of Big Flats Zoning Board of Appeals, Resolution ZBA-3-2009, has recommended the Town Board appoint Diane Lantz as an alternate member, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves and hereby appoints Diane Lantz as an Alternate Zoning Board member for a term ending December 31, 2009, and

FURTHER RESOLVED the Town Board approves the Alternate Zoning Board member shall be paid \$25.00 per meeting actually attended, not-to-exceed 12 meetings, and representing the Town as a Zoning Board member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Smith Fairbrother, Balland, Manchester, Hudock
NAYS: None

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 11, 2009

RESOLUTION NO. 108-09
TOWN OF SOUTHPORT SHARED SERVICES AGREEMENT APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS The Town of Big Flats Department of Planning has reached an agreement with the Town of Southport for Shared Services, and

WHEREAS the Department of Planning will provide the services of Planner for the Town of Southport from January 1, 2009 through June 30, 2009, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a shared services agreement with the Town of Southport at rates set forth in the agreement.

CARRIED: AYES: Smith Fairbrother, Balland, Manchester, Hudock
NAYS: None

RESOLUTION NO. 109-09
CHEMUNG COUNTY STORMWATER COALITION SHARED SERVICES AGREEMENT

Resolution by: Hudock
Seconded by: Balland

WHEREAS The Town of Big Flats Department of Planning has reached an agreement with the Chemung County Stormwater Coalition for Shared Services, and

WHEREAS the Department of Planning will provide the services of Stormwater Technician for the Coalition from January 1, 2009 through June 30, 2009, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a shared services agreement with the Chemung County Stormwater Coalition at rates set forth in the agreement.

CARRIED: AYES: Smith Fairbrother, Balland, Manchester, Hudock
NAYS: None

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 11, 2009

RESOLUTION NO. 110-09
NYSTCA CONFERENCE ATTENDANCE APPROVED

Resolution by: Manchester
Seconded by: Hudock

WHEREAS the New York State Town Clerks Association, Inc. (NYSTCA) conference is a training conference for the office of the Town Clerk, and

WHEREAS said conference is held annually with representatives from New York State offices offering sessions for updates regarding new and proposed regulations that effect the daily operations of the office of the Town Clerk, and

WHEREAS Deanne Williams, former Deputy Town Clerk has agreed to provide office coverage during the absence of the Town Clerk and Deputy Town Clerk, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Teresa Dean, Town Clerk and Sheree McGannon, Deputy Town Clerk, to attend the New York State Town Clerks Association Conference held April 26 – 29, 2009 with expenses not-to-exceed \$1,200.00 and all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Smith Fairbrother, Balland, Manchester, Hudock
NAYS: None

RESOLUTION NO. 111-09
TOWN HALL INTERIOR PAINTING APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the need to paint the basement of the Town Hall Building has been acknowledged, and

WHEREAS three quotes were solicited as follows:

Pendleton:	\$3438.00
Martinec Bldg & Remodeling:	\$3318.78
Crest Painting:	\$2475.00

WHEREAS Crest Painting submitted the lowest quote not to exceed \$2475.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 11, 2009

RESOLUTION NO. 111-09, TOWN HALL INTERIOR PAINTING continued

BE IT THEREFORE RESOLVED the Town Board authorizes Crest Painting to perform the interior painting of the basement of the Town Hall Building for a total not to exceed \$2475.00.

CARRIED: AYES: Smith Fairbrother, Balland, Manchester, Hudock
NAYS: None

RESOLUTION NO. 112-09
TIMOTHY GILBERT SALARY AMENDMENT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board amends Resolution No. 98-09 to set wages for the following full time Town employee to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook for the following, effective February 2, 2009 for Timothy Gilbert, Building Inspector/Code Enforcement Officer at \$39,500.00/Annual.

CARRIED: AYES: Smith Fairbrother, Balland, Manchester, Hudock
NAYS: None

CORRESPONDENCE

Rate Change/Time Warner Cable. A letter was received from David Whalen, Vice President of Time Warner Cable, dated January 27, 2009, providing the Town of Big Flats with a 30-day notice of the rate change.

Programming Update/Time Warner Cable. A letter was received from David Whalen, Vice President of Time Warner Cable, dated February 3, 2009, providing the Town Board with a list of expiring programs.

Supervisor Balland stated a meeting with the shared services for assessing will be held on February 26, 2009 and the highway meeting will be March 18, 2009.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to adjourn the Town Board meeting at 4:56 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2009

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Marcia Hudock
 David Manchester
 Mike Smith
 Clerk Teresa Dean

ABSENT: Attorney Thomas Reed

Supervisor Balland called the Town Board meeting to order at 7:00 p.m. and request those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE. None

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Hudock to approve the minutes of January 28, 2009 as presented. All in favor, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Manchester to approve the minutes of February 6, 2009 as presented. All in favor, motion carried.

Councilperson Hudock made a motion, seconded by Councilperson Fairbrother to approve the minutes of February 11, 2009 as presented. All in favor, motion carried.

REPORTS. None

NEW BUSINESS

RESOLUTION NO. 113-09
SUPPORT FORMATION AND FUNDING FOR FRIENDS OF THE CHEMUNG RIVER
WATERSHED APPROVED

Resolution by: Balland
Seconded by: Hudock

RESOLVED the Town Board of the Town of Big Flats supports the formation of the Friends of the Chemung River Watershed and approves funding in the amount of \$5,000 for 2009.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother, Smith
 NAYS: None

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2009

RESOLUTION NO. 114-09
DIRECTOR OF PLANNING PROBATIONARY APPOINTMENT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board, by Resolution No. 172-08, approved a provisional appointment of Stephen Polzella as the Director of Planning, and

WHEREAS Stephen Polzella has satisfactorily completed his certification and passed the required Civil Service Examination and therefore, is certified as a Director of Planning in New York State, and

WHEREAS the Town hereby determines that Stephen Polzella is a qualified candidate for said position to serve probationary, subject to the Regional Civil Service Commission's review and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Stephen Polzella for the position of Director of Planning, effective February 10, 2009, as a probationary appointment for 26 weeks to said position consistent with Civil Service Law, and

FURTHER RESOLVED that the Town Supervisor is hereby authorized to complete and sign the appropriate Report of Personnel Change and Extended Payroll Certificate ("RPC") for this hiring.

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother, Smith
NAYS: None

RESOLUTION NO. 115-09
CAPITAL PROJECT #11 – SEWER DISTRICT NO. 1 BUDGET APPROVED

Resolution by: Hudock
Seconded by: Smith

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board creates the following Capital Project #11 – also known as Sewer District No. 1:

Estimated Revenues	H110510	\$854,900.00
State Aid Member Item Grant	H113990.0100	150,000.00

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2009

RESOLUTION NO. 115-09, CAPITAL PROJECT #11 – SEWER DISTRICT NO. 1 BUDGET
APPROVED continued

Federal Aid RBEG Grant	H114990.0001	99,000.00
Federal Aid ARC Grant	H114990.0002	150,000.00
Bond Anticipation Notes Payable	H110626	\$455,900.00
Appropriations	H110960	
Construction	H118197.0200	\$647,225.00
Construction Contingency	H118197.0201	56,270.00
Engineering	H118197.0203	114,905.00
Financial	H118197.0204	17,000.00
Bond Counsel	H118197.0205	4,500.00
Grant writing	H118197.0206	5,500.00
Right-of-Way	H118197.0209	6,500.00
Miscellaneous	H118197.0210	3,000.00

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother, Smith
NAYS: None

NOTE: Attorney Reed arrived at 7:15 p.m.

RESOLUTION NO. 116-09
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Fairbrother
Seconded by: Balland

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for February 2009, vouchers 8136 – 8257, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$651,734.56
HIGHWAY FUND	\$ 41,829.60
WATER DISTRICT #1	\$ 7,552.03
WATER DISTRICT #2	\$ 8,643.19
WATER DISTRICT #3	\$ 6,978.87
WATER DISTRICT #4	\$ 9,398.28
LIGHTING DISTRICT	\$ 773.88
TRUST & AGENCY	\$ 496.19
CAPITAL PROJECT #6	\$ 46,299.98
CAPITAL PROJECT #11	\$ 6,640.00

CARRIED: AYES: Hudock, Manchester, Balland, Fairbrother Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2009

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session immediately following the Town Board meeting to discuss a particular personnel matter, contract negotiations and litigation. During the first portion of the meeting the Town Board request the presence of Paul Mayo and Larry Wagner. All in favor, motion carried.

CORRESPONDENCE

Liquor License Renewal/Tag's. A letter was received from James Rhodes, President of Monitag Inc. dba Tag's Tavern, dated February 5, 2009, informing the Town of their intent to renew their liquor license.

The Town Board entered into Executive Session at 7:19 p.m.

Supervisor Balland reconvened the Town Board meeting at 8:04 p.m.

Since there was no further business to come before the Board, Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board meeting at 8:04 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

PRESENT: Deputy Supervisor Edward Fairbrother
Council Marcia Hudock
David Manchester
Michael Smith
Attorney Thomas W. Reed II
Clerk Teresa Dean

ABSENT: Supervisor Mary Ann Balland

Deputy Supervisor Fairbrother called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

MINUTES

Councilperson Hudock made a motion, seconded by Councilperson Manchester, to approve the minutes of February 25, 2009 as presented. All in favor, motion carried.

REPORTS

Deputy Supervisor Fairbrother reported that a new virus program would be installed on the Town computers.

Mr. Wagner reported the construction for the Town Hall renovation and Court facility continues; however the focus is on the entrance way and stairs.

Councilperson Smith reported that a member of the Planning Board resigned and a replacement had been recommended.

Deputy Supervisor Fairbrother stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's; Ag & Markets; SPCA Report; Community Center; Department of Public Works; Assessor; Building Inspector/Code Enforcement Office; Justice Court; Supervisor Fund Balance (January and February).

CONCERNS OF THE PEOPLE

Councilperson Smith stated people have been asking about the plans for the deterioration of Kahler Road. Mr. Wagner explained that a temporary fix had been done; however, at this point nothing else can be done until the blacktop plants open.

NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

RESOLUTION NO. 117-09

TRAINING FOR PLANNING BOARD AND ZONING BOARD OF APPEALS MEMBERS
APPROVED

Resolution by: Smith

Seconded by: Hudock

WHEREAS Town Law, Sections 267 and 271 provide that effective January 1, 2007, all Planning Board and Zoning Board of Appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year, and

WHEREAS the above sections of State Law provide that a Planning Board or Zoning Board of Appeals member shall not be eligible for reappointment to such board if they have not completed the training required by Law, and

WHEREAS the above sections of State Law provide that the Town Board specifies which activities qualify as training to satisfy the state requirements, now

BE IT THEREFORE RESOLVED that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

1. the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Hudson River Valley Greenway; and
2. the New York State Association of Towns, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections, and the Metro New York Chapter of the American Planning Association and its sections; and
3. the Capital District Regional Planning Commission, Central New York Regional Planning and Development Board, Southern Tier Central Regional Planning and Development Board; and
4. the Chemung County Planning department and Chemung County Soil and Water Conservation districts; and
5. the Albany Law School Government Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension; and
6. on-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institutes of Land Use Policy; and

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

RESOLUTION NO. 117-09, TRAINING FOR PLANNING BOARD AND ZONING BOARD OF APPEALS MEMBERS continued

7. Other training programs developed by the Town of Big Flats Planning Department as approved by the Director of Planning; and

FURTHER RESOLVED that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a Planning Board or Zoning Board of Appeals member; and

FURTHER RESOLVED that any new member appointed to fill the last six months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and

FURTHER RESOLVED that training received by a Planning Board or Zoning Board of Appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and

RESOLVED that the Secretary for the Department of Planning and Zoning Board of Appeals shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointment.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock
NAYS: None ABSENT: Balland

RESOLUTION NO. 118-09
LEADERSHIP CONFERENCE ATTENDANCE APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town Board has determined that the STC Regional Leadership Conference sponsored by the Southern Tier Central Regional Planning & Development Board is a beneficial conference for Town employees, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following staff to attend the 13th Annual Southern Tier Central Regional Leadership Conference on April 9, 2009 at Corning Community College:

Helen Schwartz, Charles Wood, Robert Gush, Sheree McGannon, Merlyn Tiwari, Brenda Belmonte, Tom Dobrydney, Marcia Hudock, Jim Ormiston, Joe Rowe, Larry Wagner,

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

RESOLUTION NO. 118-09, LEADERSHIP CONFERENCE ATTENDANCE continued

Michele Diliberto, Christopher Austin, Mary Ann Balland, Lance Muir, Scott Esty, Heather Hanson, Tim Gilbert, Diane Lantz, Stephen Polzella, Robert Byland, Don Williams

FURTHER RESOLVED the Town Board authorizes a prepayment in the amount of \$550.00 for the purpose of the designated employees attending said conference, and

FURTHER RESOLVED Town vehicles will be used for transportation to said conference; therefore, mileage will not be reimbursable, and

FURTHER RESOLVED the above-referenced training activity is acceptable to the Town Board and the members of the Zoning Board of Appeals and the Planning Board that attended or shall attend any of these training sessions shall receive credit for the purposes of complying with the Big Flats Town Code Sections 17.60.040 and 1772.065.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock
NAYS: None ABSENT: Balland

RESOLUTION NO. 119-09
TOWN PLANNER PROBATIONARY APPOINTMENT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board, by Resolution No. 173-08, approved a provisional appointment of Thomas Dobrydney as the Planner, and

WHEREAS Thomas Dobrydney has satisfactorily completed his certification and passed the required Civil Service Examination and therefore, is certified as a Planner in New York State, and

WHEREAS the Town hereby determines that Thomas Dobrydney is a qualified candidate for said position to serve probationary, subject to the Regional Civil Service Commission's review and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Thomas Dobrydney for the position of Planner, effective February 20, 2009, as a probationary appointment for 26 weeks to said position consistent with Civil Service Law under the terms and conditions set forth in Resolution No. 173-08, and

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

RESOLUTION NO. 119-09, TOWN PLANNER PROBATIONARY APPOINTMENT
continued

FURTHER RESOLVED that the Town Supervisor is hereby authorized to complete and sign the appropriate Report of Personnel Change and Extended Payroll Certificate (“RPC”) for this hiring.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock
NAYS: None ABSENT: Balland

RESOLUTION NO. 120-09
BIG FLATS COMMUNITY DAY, INC. AGREEMENT APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS Big Flats Community Day, Inc. is a not-for-profit corporation that organizes, operates and runs an annual Community Days festival which is held at the Big Flats Community Park, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the agreement with Big Flats Community Day, Inc. for the purpose of holding the Big Flats Community Days festival at Community Park on June 18-20, 2009 subject to the review and approval by the Attorney for the Town.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock
NAYS: None ABSENT: Balland

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

RESOLUTION NO. 121-09
BIG FLATS COMMUNITY DAY, INC. FEE WAIVER APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS Big Flats Community Day, Inc. is a not-for-profit corporation that organizes, operates and runs an annual Community Days festival which is held at the Big Flats Community Park, and

WHEREAS the festival requires the use of the Community Park and pavilions for a period running from June 18-20, 2009, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board waives the fee for the use of Big Flats Community Park for the purposes of holding the Big Flats Community Days festival.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock
NAYS: None ABSENT: Balland

RESOLUTION NO. 122-09
BIG FLATS COMMUNITY DAY, INC. GAMES OF CHANCE LICENSE APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS an application for Games of Chance was received from Big Flats Community Day, Inc., dated January 20, 2009, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS the findings have been received from the Chemung County Sheriff's Department for their investigation determining the designated members conducting Games of Change games are of good moral character, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

RESOLUTION NO. 122-09, BIG FLATS COMMUNITY DAY, INC. GAMES OF CHANCE
LICENSE continued

BE IT THEREFORE RESOLVED the Town Board approves the Application for Games of Chance License, dated January 20, 2009, from Big Flats Community Day, Inc. to perform games of chance events as outlined in the application.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock
NAYS: None ABSENT: Balland

RESOLUTION NO. 123-09
PLANNING BOARD MEMBER RESIGNATION APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board received a letter, dated February 20, 2009, from William R. Stewart, Member of the Planning Board, announcing his resignation from the Planning Board immediately, and

WHEREAS for environmental review purposes the Town Board finds this to be Type 2 administrative action pursuant to 6NYCRR 617.5(c)(19) and as such, no environmental review is required for a Type 2 action, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of William R. Stewart from the Planning Board effective February 20, 2009, and

FURTHER RESOLVED the Town Board requests the Town Supervisor send Mr. Stewart a letter of appreciation for his dedication and service.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock
NAYS: None ABSENT: Balland

RESOLUTION NO. 124-09
PLANNING BOARD MEMBER APPOINTMENT APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Town Board accepted the resignation of William Stewart, dated February 2009, from the Town of Big Flats Planning Board, and

WHEREAS a vacancy exist on the Planning Board and Mr. Robert Byland had expressed interest to said vacancy, and

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

RESOLUTION NO. 124-09, PLANNING BOARD MEMBER APPOINTMENT continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby appoints Robert Byland as a Planning Board member for a term ending December 31, 2013.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock
NAYS: None ABSENT: Balland

RESOLUTION NO. 125-09
CSEA CONTRACT RATIFIED APPROVED

Resolution by: Hudock
Seconded by: Fairbrother

WHEREAS the existing CSEA Contract Agreement expired on December 31, 2008, and

WHEREAS the Town entered into negotiations with CSEA to negotiate a new five (5) year agreement, and

WHEREAS the Town and CSEA have reached a tentative agreement, and

WHEREAS the CSEA has ratified the tentative agreement, and

WHEREAS, for environmental review purposes, Administration is a Type II action in accordance with SEQRA 6NYCRR and as such, no further action is necessary regarding same,

BE IT THEREFORE RESOLVED the Town Board hereby ratifies the CSEA Contract between the Civil Service Employee's Association, Inc. and the Town of Big Flats commencing January 1, 2009 through December 31, 2013.

CARRIED: AYES: Hudock, Smith, Fairbrother
NAYS: Manchester ABSENT: Balland

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

RESOLUTION NO. 126-09
SURPLUS DECLARATION APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS, the Commissioner of Public Works recommends the following item to be declared as surplus:

1999 International Truck Model 2574, VIN #1HTGEAHR0XH608219

WHEREAS for environmental purposes, the surplus of equipment is a Type II Action for purposes of SEQRA and as such, no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Commissioner of Public Works, authorizes the advertisement for sale or for bid.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock
NAYS: None ABSENT: Balland

RESOLUTION NO. 127-09
MASTER SERVICE AGREEMENT WITH MetTel APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town Board had adopted Resolutions No. 300-03 and 154-07 authorizing the Town Supervisor to enter into an agreement with MetTel for the purpose of providing all telephone service for the Town Hall and associated buildings, and

WHEREAS said agreement will be expiring, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Master Service Agreement – Voice Services with MetTel for the purpose of providing all telephone services for the Town Hall, Community Center, Department of Public Works, and associated buildings, contingent upon the review and approval by the Attorney for the Town.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock
NAYS: None ABSENT: Balland

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

RESOLUTION NO. 128-09
INSTALLATION OF NEW ANTENNAS APPROVED

Resolution by: Manchester

Seconded by: Smith

WHEREAS renovations to Town Hall include the construction of a new roof with provisions for antennas, and

WHEREAS Mid-State Communications will supply material which will include upgraded antenna and digital scanner, and labor to relocate the existing antennas to the roof, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT RESOLVED the Town Board authorizes the Commissioner of Public Works to enter into agreement with Mid-State Communications to supply material which will include upgraded antenna and digital scanner, and labor to relocate the antennas to the roof for the amount not to exceed \$5,140.00.

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock

NAYS: None

ABSENT: Balland

RESOLUTION NO. 129-09
2008 BUDGET TRANSFERS APPROVED

Resolution by: Hudock

Seconded by: Manchester

WHEREAS the auditor recommends a reclassification of a PERMA 2007 refund received in 2008, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the following 2008 Budget Transfers:

From: Social Security	D9030.0800	\$3,000.00
To: Workers Compensation	D9040.0800	\$3,000.00, and
From: Social Security	S49030.0800	\$23.00
To: Workers Compensation	S49040.0800	\$23.00

CARRIED: AYES: Smith, Fairbrother, Manchester, Hudock

NAYS: None

ABSENT: Balland

MINUTES OF TOWN BOARD MEETING OF MARCH 11, 2009

CORRESPONDENCE

Residential Assessment Ratio/NYS RPS. A notice was received from New York State Office of Real Property Services, dated February 24, 2009, informing the Town Board of the residential assessment ratio of 100.00.

Youth Service & Recreation Program Funding/CC Youth Bureau. A letter was received from Robert Harris, Executive Director of Chemung County Youth Bureau & Recreational Services, dated February 20, 2009, informing the Town Board that the monies received from New York State Office of Children and Family Services based upon youth population will no longer be accessible through the County Youth Bureau.

Millennium Pipeline Company LLC Agreement/CCIDA. The Town Board received a copy of the agreement, dated February 1, 2009, relative to the payment in lieu of taxes between Chemung County Industrial Development Agency, Millennium Pipeline Company, LLC and Chemung County Treasurer.

Elected Officers/West Hill Fire District #3. A letter was received from John McGlenn, Chairman of the West Hill Fire District #3 Board of Fire Commissioners, informing the Town Board of the elected members of the Board, treasurer and line officers.

Annual Report/Town and Country Fire Department. A copy of the Annual Report for 2008 was received from the Town and Country Fire Department.

Town Campus Building Project/Fact Sheet #1. Supervisor Balland provided the Town Board with a copy of the new Town fact sheet relative to the Town campus building project.

February 24, 2009 Minutes/Zoning Board of Appeals. The Town Board received a copy of the Zoning Board of Appeals minutes of February 24, 2009.

Support Appreciation/Environmental Emergency Services, Inc. A letter was received from Joy Brewer, Treasurer of the Environmental Emergency Services, Inc., dated March 2, 2009, thanking the Town for their support to allow maintenance of responsibilities in the areas of flood warning, chemical hazard training and national flood insurance information.

Since there was no further business to come before the Board, Councilperson Manchester made a motion, seconded by Councilperson Hudock, to adjourn the Town Board meeting at 5:07 p.m. All in favor, except Supervisor Balland was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MARCH 25, 2009

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Marcia Hudock
 David Manchester
 Mike Smith
 Clerk Teresa M. Dean

ABSENT: Attorney Thomas W. Reed II

Supervisor Balland called the Town Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE

Gary Bernhardt, 809 Harris Hill Road, reported that he spoke with Legislator Friend regarding his concerns with the lighting at the intersection of Harris Hill Road and County Route 64. Mr. Friend will be looking into this issue.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to approve the minutes of March 11, 2009 as presented. All in favor, motion carried.

REPORTS

Councilperson Manchester provided the following reports:

- Highway Shared Service: Handouts were provided at the last meeting. The next meeting will be April 9, 2009 with the Highway Supervisors. There is a possibility that the May meeting will be with Highway Supervisors and Town Supervisors.
- Southport Shared Service: A meeting was held with representatives of the Town of Southport to discuss our shared service agreement relative to the Planner. At this point we are continuing with the agreement.
- Youth: A day of basketball was held on Monday, March 23, 2009 with youth from 5th grade to age 16 at the Maranatha Bible Chapel.

Councilperson Fairbrother reported the following:

- The Big Flats American Legion held their birthday dinner and he attended as a representative for the Town.
- Copier: The current copier in the Planning Department will be removed on Friday and a check will be issued to the Town. A new demo copier will be delivered next week.

Supervisor Balland reported the open house committee met and will be meeting this week to discuss the Robertshaw permanent painting display. A meeting has been scheduled with Mark Watts to discuss the status of the Jackson Farm project.

Councilperson Hudock reported the Parks Commission met and is recommending Mark Gould be appointed to the Parks Commission. There is also a new program called eat well / play well that will involve Community Park from April 20 to May 16, 2009.

MINUTES OF TOWN BOARD MEETING OF MARCH 25, 2009

Commissioner Wagner stated the gravity line is in for the sewer and the contractors are beginning to work west towards Minier's. An estimated date of completion is mid April. The Town Hall renovation is wrapping up and the tower should be open next week.

Supervisor Balland announced that the brush pick-up would begin April 13, 2009.

Attorney Reed arrived at 7:15 p.m.

NEW BUSINESS

RESOLUTION NO. 130-09 PARKS COMMISSION MEMBER RESIGNATION ACCEPTED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Commissioner of Public Works received a resignation from Beth Dunning, stating that she has chosen to resign from her position on the Parks Commission, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Beth Dunning as a member of the Big Flats Parks Commission effective December 31, 2008.

CARRIED: AYES: Manchester, Hudock, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 131-09 PARKS COMMISSION MEMBER APPOINTMENT APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS the Parks Commission has a need to fill a position left vacant by Beth Dunning, and

WHEREAS Mark Gould, 39 River Street, Big Flats, NY 14814, attended a Parks Commission meeting on March 10, 2009, and

WHEREAS Mr. Gould submitted a letter stating his interest in being a member of the Parks Commission and the Parks Commission recommends Mark Gould be appointed to the Parks Commission, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MARCH 25, 2009

RESOLUTION NO. 131-09, PARKS COMMISSION MEMBER APPOINTMENT continued

BE IT THEREFORE RESOLVED the Town Board appoints Mark Gould, 39 River Street, Big Flats to fill the vacancy on the Parks Commission with a term ending December 31, 2013.

CARRIED: AYES: Manchester, Hudock, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 132-09
GIS SOFTWARE PURCHASE FROM ESRI INC. APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS a quote has been received from ESRI Inc. for the purchase of GIS Software for use by the Planning Department, and

WHEREAS the complete set of software included in the quote will allow town staff to continue to process and develop a comprehensive geographic information system, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to purchase GIS Software, listed on a quotation #20343107 ESRI Inc., 55 Ferncroft Rd Ste 300, Danvers, MA 01923, not to exceed \$6,600.00

CARRIED: AYES: Manchester, Hudock, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 133-09
BIG FLATS COMMUNITY DAY INC. FIREWORKS DISPLAY APPROVED

Resolution by: Manchester
Seconded by: Hudock

WHEREAS Big Flats Community Day Inc. has contracted with American Fireworks Mfg. Co. Inc. to conduct a fireworks display on June 19, 2009, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MARCH 25, 2009

RESOLUTION NO. 133-09, BIG FLATS COMMUNITY DAY INC. FIREWORKS DISPLAY
continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Fireworks Permit, contingent upon the review and approval by the Attorney for the Town, permitting the fireworks display sponsored by Big Flats Community Day, Inc. to be held on June 19, 2009.

CARRIED: AYES: Manchester, Hudock, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 134-09
SURPLUS DECLARATION APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Hall renovation measures deem the back-up generator no longer needed,
and

WHEREAS the Commissioner of Public Works recommends the Onan Generator: Model
#15JC, Serial #L16581B be declared as surplus, and

WHEREAS for environmental purposes, the surplus of equipment is a Type II action in
accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary
regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Commissioner of
Public Works, authorizes the auction or advertisement for sale or for bid.

CARRIED: AYES: Manchester, Hudock, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 25, 2009

RESOLUTION NO. 135-09
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Manchester

Seconded by: Hudock

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for March 2009, vouchers 8258 – 8356, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$138,178.06
HIGHWAY FUND	\$ 21,712.07
WATER DISTRICT #1	\$ 6,279.00
WATER DISTRICT #2	\$ 5,446.77
WATER DISTRICT #3	\$ 1,851.13
WATER DISTRICT #4	\$ 196.98
LIGHTING DISTRICT	\$ 703.71
TRUST & AGENCY	\$ 496.19
CAPITAL PROJECT #6	\$ 6,587.86
CAPITAL PROJECT #11	\$139,222.51

CARRIED: AYES: Manchester, Hudock, Smith, Fairbrother, Balland

NAYS: None

RESOLUTION NO. 136-09
LEADERSHIP CONFERENCE ATTENDANCE APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the Town Board has determined that the STC Regional Leadership Conference sponsored by the Southern Tier Central Regional Planning & Development Board (STCRP&DB) is a beneficial conference for Town employees, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Richard Seely and Angela Piersimoni to attend the 13th Annual Southern Tier Central Regional Leadership Conference on April 9, 2009 at Corning Community College, and

FURTHER RESOLVED the Town Board authorizes a prepayment in the amount of \$70.00 for the purpose of the designated employees attending said conference, and

FURTHER RESOLVED Town vehicles will be used for transportation to said conference; therefore, mileage will not be reimbursable, and

MINUTES OF TOWN BOARD MEETING OF MARCH 25, 2009

RESOLUTION NO. 136-09, LEADERSHIP CONFERENCE ATTENDANCE continued

FURTHER RESOLVED the above-referenced training activity is acceptable to the Town Board and the members of the Zoning Board of Appeals and the Planning Board that attended or shall attend any of these training sessions shall receive credit for the purposes of complying with the Big Flats Town Code Sections 17.60.040 and 17.72.065.

CARRIED: AYES: Manchester, Hudock, Smith, Fairbrother, Balland
NAYS: None

CORRESPONDENCE

2008 Annual Aid Certification/NYS ORPS. A letter was received from Teresa Frank, Regional Director for New York State Office of Real Property Services, dated March 5, 2009, informing the Town Board of the 2008 annual aid certification.

Annual Review of Agricultural Districts/CC Legislature. A notice was received from Linda Palmer, Clerk of the Legislature, dated March 9, 2009, informing the Town Board of a public hearing to be held by the Chemung County Legislature regarding the annual review period for inclusion of real property to the Chemung County Agricultural Districts. The proposal would include three parcels from the Town of Big Flats.

American Recovery and Reinvestment Act/CC Insurance Department. A memo was received from Yvonne Drake, Chemung County Insurance Department, dated March 17, 2009, informing the Town Board of The American Recovery and Reinvestment Act of 2009.

Time Warner Entertainment Renewal Notice/NY Public Service Commission. A notice was received from the State of New York Public Service Commission, dated February 12, 2009, regarding the application for renewal of the Time Warner Entertainment-Advance Newhouse Partnership dba Time Warner Cable.

Electric Safety Standards/NYS Public Service Commission. An errate notice was received from the State of New York Public Service Commission, issued March 5, 2009, regarding the adoption of changes to the Electric Safety Standards.

Programming Services/Time Warner Cable. A letter was received from David Whalen, Vice President of Time Warner Cable, dated March 4, 2009, providing the Town Board with a list of expiring programs.

Owner Transaction Update/Timber Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated March 13, 2009, informing the Town Board of the ownership transaction completion of Time Warner Cable.

Armed Forces Monument/B. Pankevych. A letter was received from Bohdan Pankevych informing the Town Supervisor of an endeavor to raise a nationally distinctive Armed Forces monument at the Elmira-Corning Regional Airport.

MINUTES OF TOWN BOARD MEETING OF MARCH 25, 2009

Councilperson Smith asked about the status of the right to farm proposal? Supervisor Balland stated the Attorney was reviewing the proposal and Attorney Reed stated he would provide an executive summary for the Town Board.

Joshuah Tinker and RJ Samdal of Boy Scout Troop 3097 asked if the Town has any community service project that their group could work on. Supervisor Balland asked the young men to see Councilperson Hudock after the meeting to make arrangements for community service.

Don Gaylord, Reasor Hollow Road, asked if the Town received the grant for the Jackson Farm project. Supervisor Balland stated at this time the Town had not heard one way or the other. Mr. Gaylord asked what roads were receiving maintenance for this year? Commissioner Wagner stated Olcott Road South, Stonybrook, an alternate would be Birch, and oil/stone Steege Hill Road. Mr. Gaylord asked if Olcott Road was going to be engineered? Commissioner Wagner replied not professionally. Mr. Bernhardt asked if the peak of West Hill Road A was receiving maintenance? Supervisor Balland explained that at this time the Town is waiting for the blacktop plants to open.

Ed Rohde asked whether the plans for Kahler Road involved patching or repaving? Commissioner Wagner stated patching at this time.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 7:35 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF MARCH 30, 2009

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Marcia Hudock
 Mike Smith
 Deputy Clerk Sheree McGannon

ABSENT: Council David Manchester
 Attorney Thomas W. Reed

Supervisor Balland called the Special Town Board meeting of March 30, 2009 to order at 4:30 p.m.

RESOLUTION NO. 137-09
CHANGE ORDER FOR TOWN HALL OUTDOOR LIGHTING FIXTURES
APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the renovation project recommended the installation of six (6) light pole fixtures along Maple Street in front of the Town Hall, and

WHEREAS a change order is necessary to purchase the lighting pole fixtures, and

WHEREAS a change order was submitted by G.O. Wick Electric not to exceed \$15,400.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the change order in the amount of \$15,400.00 to purchase and install the outdoor lighting pole fixtures in front of the Town Hall.

CARRIED: AYES: Balland, Fairbrother, Hudock, Smith NAYS: None
 ABSENT: Manchester

Councilperson Balland made a motion, seconded by Councilperson Fairbrother, to adjourn the Special Town Board meeting at 4:35 p.m. All in favor, except Councilperson Manchester was absent. Motion carried.

Date approved: _____

Sheree C. McGannon
Deputy Town Clerk

MINUTES OF TOWN BOARD OF APRIL 8, 2009

PRESENT: Supervisor Mary Ann Balland
Council Edward Fairbrother
Marcia Hudock
David Manchester
Clerk Teresa Dean

ABSENT: Council Michael Smith
Attorney Thomas W. Reed II

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

PRESENTATION: Friends of the Chemung River Watershed

Jim Pfiffer, Director of Friends of the Chemung River Watershed, Inc., explained that Cornell Cooperative Extension applied for a grant to develop a master plan to promote the Chemung River. Once the master plan was completed, a request was made to the municipalities bordering the River for financial assistance to carry out the master plan projects. Because corporate donations were also being sought, the Friends of the Chemung River Watershed was incorporated. The master plan would promote the River and allow more uses such as multiple use trails, general ability to enjoy the River more, guided hikes, canoe trips, snow skiing, and education programs.

David Crocker, 8 Olcott Road South, stated he loves the wildness of the River and would oppose a trail along the River that would disturb wildlife. However, he did agree with education programs that involve the Chemung River. Mr. Pfiffer agreed with the wildness and preserving the wildlife of the River and that is why the south side of the River would remain the same and not be disturbed. The project would not include development or take away from nature. The goal is to protect and preserve the Chemung River.

Councilperson Hudock asked what length of the river and how many boat launches on the River were in Chemung County? Mr. Pfiffer stated there is approximately 45-47 miles of the Chemung River in Chemung County and approximately nine boat launches.

Stephen Polzella, Director of Planning, provided a brief review of the DDAA GIS conference he participated in from March 30-April 1, 2009.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to approve the minutes of March 25, 2009 as presented. All in favor, except Councilperson Smith was absent. Motion carried.

MINUTES OF TOWN BOARD OF APRIL 8, 2009

REPORTS

Supervisor Balland stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's; Ag & Markets; SPCA Report; Community Center; Association of Public Historians Certificate; Community Center Advisory Board Minutes; Department of Public Works; Supervisor Fund Balance; Code Enforcement and Building Inspector.

CONCERNS OF THE PEOPLE

David Crocker, 8 Olcott Road South, thanked the Town for (1) blacktopping Olcott Road South; (2) asked where the 26 units were being proposed in an article referencing Olcott Road and the sewer extension; and (3) stated the minutes of the Town Board approved a \$15,000.00 purchase of light poles. With the economy, why is the Town paying this much money for light poles. Supervisor Balland stated the article references 26 units that the developers of Town Haven would like to construct. As for the light poles, this includes the purchase and installation and they are for security, not decorative purposes. She continued by explaining the Town is required to pay prevailing wage.

Supervisor Balland stated the culvert on Olcott Road South is going to be replaced and this would close the road to all traffic. Jane King, 8 Kelley Drive, also thanked the Town for patching the road; however, expressed concerns with the speeding of vehicles on Olcott Road South.

NEW BUSINESS

RESOLUTION NO. 138-09

WINDOW DRESSING FOR THE TOWN HALL APPROVED

Resolution by: Fairbrother

Seconded by: Hudock

WHEREAS due to the renovation of the Town Hall, it is necessary to provide new window dressings for the Town Hall Offices, and

WHEREAS a quote was received from Spotts Innovations, Inc., dated March 24, 2009, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes Spotts Innovations, Inc. to provide window dressings as outlined in the Proposal, dated March 24, 2009 final revision, for the offices of Assessor, Bookkeeping, Town Clerk, Water Department, Conference Room and Town Supervisor for a total cost not to exceed One Thousand Four Hundred Forty Two Dollars and Forty Cents (\$1,442.40).

CARRIED: AYES: Manchester, Hudock, Fairbrother, Balland

NAYS: None

ABSENT: Smith

MINUTES OF TOWN BOARD OF APRIL 8, 2009

RESOLUTION NO. 139-09
CURRENT JUDGE'S STAND SURPLUS DECLARATION / INTERMUNICIPAL
TRANSFER APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town Hall renovation measures deem the current Judge's stand no longer needed, and

WHEREAS for environmental purposes, the surplus of equipment is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Office of the Court, declares the current Judge's stand as surplus and due to the limited use of said item, approves the intermunicipal transfer of the bench to the Town of Erwin.

CARRIED: AYES: Manchester, Hudock, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 140-09
UNITED STATES POSTAL SERVICES LEASE AGREEMENT APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the current lease Agreement with the United States Postal Service for 471 Main Street will expire on August 31, 2009, and

WHEREAS the Town Board desires to continue said lease, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a Lease Agreement with the United States Postal Service for property located at 471 Maple Street, known as the Big Flats Post Office, with a five-year term commencing September 1, 2009 running through August 31, 2014 for an annual rental of \$29,155.00 and renewal option to the Lease commencing September 1, 2014 for an additional five-year term if exercised with an annual rental of \$32,189.00 on the Terms and Conditions subject to final review and approval by the Attorney for the Town.

CARRIED: AYES: Manchester, Hudock, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD OF APRIL 8, 2009

RESOLUTION NO. 141-09
ROAD SALT PURCHASE APPROVED

Resolution by: Fairbrother

Seconded by: Hudock

WHEREAS the Town will need to purchase salt for winter road maintenance for 2009 / 2010, and

WHEREAS state bid for road salt is listed under Group No. 01800 and the contract period for road salt is September 1, 2009 through August 31, 2010, and

WHEREAS the state mandates that a Requirement Letter be filed with OGS prior to April 27, 2009 to participate in purchasing under state bid, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase road salt, not to exceed one thousand eight hundred (1,800) tons, utilizing state bid contract for the duration of said contract period.

CARRIED: AYES: Manchester, Hudock, Fairbrother, Balland

NAYS: None

ABSENT: Smith

RESOLUTION NO. 142-09

MRB GROUP SANITARY SEWER PROJECT CONTRACT AMENDMENT APPROVED

Resolution by: Hudock

Seconded by: Manchester

WHEREAS MRB Group has been providing construction observation and administration for the Sanitary Sewer Project, and

WHEREAS construction of the project is taking longer than originally anticipated and MRB Group has provided a proposal, dated March 16, 2009 (revised March 17, 2009), to continue providing construction observation and administration to complete the project, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes MRB Group to continue construction observation and administration based on option 3 in the amount not to exceed \$26,750.00.

CARRIED: AYES: Manchester, Hudock, Fairbrother, Balland

NAYS: None

ABSENT: Smith

MINUTES OF TOWN BOARD OF APRIL 8, 2009

RESOLUTION NO. 143-09
HVAC CONSTRUCTION SERVICES CHANGE ORDER APPROVED

Resolution by: Manchester
Seconded by: Balland

WHEREAS a contract exists between Kimball Inc. and the Town for the HVAC construction services for the Municipal Complex project, and

WHEREAS a duly approved change order, dated March 16, 2009, has been submitted by the Town architect, Teitsch-Kent-Fay Architects, P.C., for Kimble, Inc. for the Municipal Complex project for approval for the Town, and

WHEREAS such change order seeks the addition of a new VVT controller for an additional amount of \$2,447.83 and a credit of \$750.00 for unnecessary painting services and credit in the overall allowance on the total contract in the amount of \$23,302.17, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the change order, dated March 16, 2009, for the HVAC construction services for the Municipal Complex project as a result of unnecessary painting services and credit in the overall allowance on the total contract in the amount of \$23,302.17.

CARRIED: AYES: Manchester, Hudock, Fairbrother, Balland
NAYS: None ABSENT: Smith

CORRESPONDENCE

Liquor License Renewal/Tag's. A letter was received from James Rhodes, President of Monitag Inc. dba Tag's Tavern, dated March 20, 2009, informing the Town Clerk of their intent to renew their Liquor License.

Right-to-Farm Law Request/Big Flats Business Association. A letter was received from Thomas Gorman, President of the Big Flats Business Association, dated March 15, 2009, encouraging the Town Board to enact the Right-to-Farm law for the Town of Big Flats.

Notice of Order/NYS DOT. A letter was received from James Sparro, Traffic Engineering Investigator for New York State Department of Transportation, dated March 27, 2009, informing the Town of the Notice of Order to post speed limit signs in the Brookwood Hills and Goss Road area as requested by the Town Board.

MINUTES OF TOWN BOARD OF APRIL 8, 2009

Millennium Pipeline Alert. A landowner notice was received from Millennium Pipeline, dated March 27, 2009, informing the Town Board that on or about May 1, 2009 they intend to begin full-scale restoration activities with final restoration of the right-of-way planned for Spring and Summer of 2009.

Supervisor Balland reported the following:

- Proposals have been received for painting two coats on the upstairs of the Town Hall on nights and weekends;
- The TEP grant for Main Street enhancements was not approved;
- Mark Watts submitted a proposal to update the stream study; however, this project has been temporarily placed on hold;
- Open House is June 14, 2009; and
- Brush pickup will begin April 13, 2009.

Councilperson Hudock provided the following reports:

- The community service for the Scouts has been selected and they will be placing and moving rocks within the parking area located near the intersection of Hibbard and Winters Road; and
- Cinderella opening ceremony and pavilion dedication is May 9, 2009.

Councilperson Fairbrother reported that the Big Flats Volunteer Fire Department has 31 active firemen that are able to respond to fire calls.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to adjourn the Town Board meeting at 5:18 p.m. All in favor, except Councilperson Smith was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF APRIL 20, 2009

PRESENT: Supervisor Mary Ann Balland
Council David Manchester
Michael Smith
Clerk Teresa Dean

ABSENT: Council Edward Fairbrother
Marcia Hudock
Attorney Thomas W. Reed II

Supervisor Balland called the Special Town Board meeting to order at 9:00 a.m.

RESOLUTION NO. 144-09
CAMPING WORLD SPECIAL USE PERMIT PUBLIC HEARING APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS the Planning Board has received an application from Camping World for temporary vehicle sales at Consumer Square, County Route 64, Tax Parcel No. 57.04-1-7.17 located in the Business Regional (BR) District, and

WHEREAS the use of vehicle sales in the BR district pursuant to Chapter 17.12.010 of the Town Municipal Code requires Special Use Permit approval of the Town Board, and

WHEREAS prior to action on a Special Use Permit a Public Hearing shall be duly held by the Town Board, now

BE IT THEREFORE RESOLVED that the Town Board sets a Public Hearing for April 27, 2009 at 4:30 p.m. to hear comments for a Special Use Permit for Camping World.

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother, Hudock

Councilperson Manchester made a motion, seconded by Supervisor Balland to adjourn the Town Board meeting at 9:04 a.m. All in favor, except Councilperson Fairbrother and Hudock were absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF APRIL 22, 2009

PRESENT: Supervisor Mary Ann Balland
Council Edward Fairbrother
Marcia Hudock
David Manchester
Michael Smith
Clerk Teresa Dean

ABSENT: Attorney Thomas W. Reed II

Supervisor Balland called the Town Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

REPORTS

Supervisor Balland provided the following reports:

- Sewer District project is coming along;
- Exit 50 graffiti has been reported to NYS Department of Transportation;
- Due to concerns with the sale of property on Far Rockaway, the Assessor has recommended the Town consider having the Palisades resurveyed; and
- There will be an Executive Session to discuss two pending litigation matters.

CONCERNS OF THE PEOPLE

Gary Bernhardt, 809 Harris Hill Road, thanked the Town for patching the holes on Winters Road.

REPORTS continued

Councilperson Hudock provided the following reports:

- The graffiti will be removed from the overpass on Kahler Road;
- Harris Hill Road signs will be replaced in the near future;
- May 2nd is Little League opening ceremony; and
- May 9th at noon is Cinderella opening ceremony and 10:00 a.m. is the dedication of the boat launch.

Supervisor Balland also reported there is a proposed study for Kahler Road being conducted. A decision regarding the Jackson Farm grant should be provided next week. Steve Pozella submitted the Transportation Enhancement Project grant under the stimulus proposal.

MINUTES

Councilperson Hudock made a motion, seconded by Councilperson Manchester, to approve the minutes of March 30, 2009 as presented. All in favor, motion carried.

Councilperson Fairbrother made a motion, seconded by Supervisor Balland, to approve the minutes of April 8, 2009 as presented. All in favor, motion carried.

MINUTES OF TOWN BOARD MEETING OF APRIL 22, 2009

NEW BUSINESS

RESOLUTION NO. 145-09
PENDLETON'S PAINTING, LLC PAINTING AGREEMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the need to paint the third flood level of the Town Hall building has been acknowledged, and

WHEREAS three quotes were solicited and received as follows:

Pendleton's Painting, LLC	\$3,451.84
Cook Painting Contractor, LLC	\$3,487.00
Crest Painting	\$3,400.00

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Pendleton's Painting, LLC to perform the interior painting of the third floor level of the Town Hall building for a total cost not-to-exceed \$3,451.84.

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

RESOLUTION NO. 146-09
CHECK VOID APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the cashing period has expired for a check payable to the Chemung County Clerk, dated September 24, 2008, for the Klee demolition loan documentation filing fee, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check #6535, dated September 24, 2008 payable to the Chemung County Clerk for the purpose of filing the documentation for the Klee demolition loan.

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 22, 2009

RESOLUTION NO. 147-09
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Hudock
Seconded by: Manchester

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for April 2009, vouchers 8357 – 8452, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 75,144.25
HIGHWAY FUND	\$ 30,543.58
WATER DISTRICT #1	\$ 4,793.98
WATER DISTRICT #2	\$ 5,079.36
WATER DISTRICT #3	\$ 1,577.14
WATER DISTRICT #4	\$ 823.57
LIGHTING DISTRICT	\$ 700.79
TRUST & AGENCY	\$ 3,858.79
CAPITAL PROJECT #6	\$ 62,448.83
CAPITAL PROJECT #11	\$144,296.28

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

RESOLUTION NO. 148-09
CHANGE ORDER FOR TOWN HALL EXISTING COURT OFFICE APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS it is recommended that the existing court office and small room located to the east be modified and/or renovated into one larger meeting room, and

WHEREAS the aforementioned larger meeting room is an integral part of the Town Hall renovation project, and

WHEREAS a change order is required to complete the meeting room renovation for general, electrical and HVAC construction work, and

WHEREAS the change order is not to exceed \$15,000.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the change order work in the amount of \$15,000.00, to renovate the existing court office and small room into a larger meeting room.

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 22, 2009

CORRESPONDENCE

Programming Services/Time Warner Cable. A letter was received from David Whalen, Vice President of Public and Governmental Affairs for Time Warner Cable, dated April 6, 2009, informing the Town of the programming services.

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session to discuss two matters of litigation. All in favor, motion carried.

The Town Board entered into Executive Session at 7:17 p.m.

Supervisor Balland reconvened the Town Board meeting at 7:39 p.m.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 7:39 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF APRIL 27, 2009

PRESENT: Supervisor Mary Ann Balland
Council David Manchester
Michael Smith
Deputy Clerk Deanne Williams

ABSENT: Council Edward Fairbrother
Marcia Hudock
Attorney Thomas W. Reed II
Clerk Teresa Dean

Supervisor Balland called the Special Town Board meeting to order at 4:30 p.m.

PUBLIC HEARING: 4:30 P.M. Camping World Special Use Permit

Supervisor Balland called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on April 22, 2009, which allowed and considered public comments on a proposed Special Use Permit for Camping World to conduct RV sales event at the former Wal Mart site off County Route 64, Tax Parcel 57.04-1-7.17 from April 28, 2009 through May 4, 2009.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:31 p.m.

RESOLUTION NO. 149-09
CAMPING WORLD SPECIAL USE PERMIT APPROVED

Resolution by: Balland
Seconded by: Smith

WHEREAS the Town Board approved Resolution No. 235-08 authorizing Camping World to permit an RV sales event located off CR 64, Tax Parcel 57.04-1-7.17, and

WHEREAS the property is located in the Business Regional (BR) district near the intersection of I-86 and CR 64, and

WHEREAS the property is located in the Consumer Square Plaza at the vacant Walmart parking lot, and

WHEREAS vehicle sales is a use permitted under site plan approval and upon grant of a special permit by the Town Board, and

MINUTES OF SPECIAL TOWN BOARD MEETING OF APRIL 27, 2009

RESOLUTION NO. 149-09, CAMPING WORLD SPECIAL USE PERMIT APPROVED
continued

WHEREAS a public hearing was duly held on April 27, 2009 where all interested parties were duly heard, now

BE IT THEREFORE RESOLVED the Town Board approves the special use permit for Camping World with the following conditions:

- Hours of Operation shall be limited to hours within the times of 6:00 am EST and 11:00 pm EST;
- The dates of the sales event shall be April 28, 2009 through May 4, 2009;
- All vehicles shall be removed and the site shall be returned to original condition no later than May 15, 2009;
- Operational lighting shall follow the schedule of the plaza;
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52;
- Site Plan approval from the Town of Big Flats Planning Board shall be obtained before the sales event commences; and
- The proposed project shall receive a negative declaration for SEQRA from the Town of Big Flats Planning Board as Lead Agency before the sales event commences, and

FURTHER RESOLVED, for the purposes of SEQRA, the Town Board defers to the environmental review to be completed by the Lead Agency, the Town of Big Flats Planning Board.

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Hudock, Fairbrother

Councilperson Manchester made a motion, seconded by Supervisor Balland to adjourn the Town Board meeting at 4:32 p.m. All in favor, except Councilperson Fairbrother and Hudock were absent. Motion carried.

Date approved: _____

Deanne M. Williams
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

PRESENT: Supervisor Mary Ann Balland
Council Edward Fairbrother
Mike Smith
David Manchester
Attorney Thomas W. Reed II
Clerk Teresa Dean

ABSENT: Council Marcia Hudock

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

PRESENTATION: Teledair Communications and Security, Inc.

Scott ?? of Teledair Communications and Security, Inc. explained that his company has submitted a proposal for security to the Court facility, Town Hall and the entire Municipal Complex. The Town Board held a lengthy discussion regarding the number of cameras, backup capabilities, video balance and enhancement, locations, date and time verification, and the maintenance of the system.

REPORTS

Supervisor Balland stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's; Ag & Markets; SPCA Report; Community Center; Community Center Income/Expense Report; Department of Public Works; Supervisor Fund Balance; Code Enforcement and Building Inspector; Justice Court Report.

The following verbal reports were provided:

- Larry Wagner, stated they have begun milling;
- Councilperson Fairbrother explained DeMet's had an open house and indicated DeMet's will have approximately 100 full time and 70 seasonal employees;
- Supervisor Balland stated the "Liz Farr" pavilion dedication was held;
- Councilperson Manchester explained a Highway Shared Service meeting took place and it appears the study is approximately 90% complete. The next meeting will be held August 10, 2009;
- Supervisor Balland reported that a meeting would be held with the Town of Horseheads to discuss code shared services. She also stated two additional quotes will be received regarding the security proposal.

CONCERNS OF THE PEOPLE

Gary Bernhardt, 809 Harris Hill Road, stated the big sign identifying Harris Hill Park and the street have not been replaced at the intersection of County Route 64 and Harris Hill Road.

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to approve the minutes of April 20, 2009 as presented. All in favor, except Councilperson Hudock was absent. Motion carried.

Councilperson Smith made a motion, seconded by Councilperson Fairbrother, to approve the minutes of April 22, 2009 as presented. All in favor, except Councilperson Hudock was absent. Motion carried.

Supervisor Balland made a motion, seconded by Councilperson Manchester, to approve the minutes of April 27, 2009 as presented. All in favor, except Councilperson Hudock was absent. Motion carried.

NEW BUSINESS

RESOLUTION NO. 150-09 BACKYARD BROADCASTING FIREWORKS DISPLAY APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS Backyard Broadcasting has contracted with Young Explosives to conduct a fireworks display at the Elmira Corning Regional Airport on June 27, 2009 with no rain date, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Fireworks Permit, contingent upon the review and approval by the Attorney for the Town, permitting the fireworks display sponsored by Backyard Broadcasting at the Elmira Corning Regional Airport to be held on June 27, 2009 with no rain date.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO. 151-09 SUMMER T.A.F.F.Y. EMPLOYEES APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS the Big Flats Youth Services Department will be hosting the Summer TAFFY Program, and

WHEREAS the Program Coordinator conducted interviews and necessary background checks and recommends the Town Board appoint the employees listed below, and

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

RESOLUTION NO. 151-09, SUMMER T.A.F.F.Y. EMPLOYEES continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints the following Summer TAFFY employees:

Christopher Allen	94 Hillview Dr, BF	\$8.25 Rover
Jessica Carlson	30 Easterbrook Dr. W, HH	\$7.15 Intern
Julianne Caruso	45 Anncox Lane, HH	\$7.15 Intern
Kyle Cross	352 Chambers Rd, HH	\$7.15 Intern
Skylar Cross	352 Chambers Rd, HH	\$7.30
Shelby Davis	465 Belwood Dr, HH	\$7.30
Amanda Denkenberger	369 Barnes Hill Rd., HH	\$8.00
Ross Denkenberger	369 Barnes Hill Rd, HH	\$7.30
Laura Farmer	41 Woodland Drive, HH	\$7.45
Eric Garrison	56 Churchill Place, BF	\$7.15 Intern
Jenny Garrison	56 Churchill Place, BF	\$7.30
Ashley Hutten	57 Woodland Drive, BF	\$7.15 Intern
Casey Hutten	57 Woodland Drive, BF	\$8.25
Timothy Hutten	57 Woodland Drive, BF	\$8.25
Lois Immerman	145 Halderman Hollow Rd., Elm	\$8.25
Megan Jarvis	47 Pine Circle, HH	\$8.25
Ashley Larimore	61 Lyons Dr, HH	\$7.30
Melissa Loughlin	17 Green Valley Dr., BF	\$7.45
Coleman McCloskey	8 Ponderosa Dr, HH	\$7.30
Kaitlin Olmstead	88 Suburban Dr., Big Flats	\$8.00
Kyle Rivera	110 Biltmore Dr. Apt B, HH	\$7.35
Aaron Sozanski	810 Harris Hill Rd, Elm	\$7.30
Sarah Sechrist	4 Woodside Dr., Elm.	\$7.45
Michael Shauna	712 Westlake St, HH	\$7.45
Sean Shoemaker	76 Brown Rd, HH	\$7.35
Kevin Smith	6 Belaire Dr, HH	\$7.15
Michael Swartz	10 Heritage Lane, HH	\$7.45
Elizabeth Vinish	178 Breed Hollow Rd, HH	\$8.25
Lynsey Wagner	19 Cayuga Drive, HH	\$8.25

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith

NAYS: None

ABSENT: Hudock

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

RESOLUTION NO. 152-09
COURT CLERK CONFERENCE ATTENDANCE APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Steuben County Court Clerks and New York State Magistrate Court Clerks are hosting a seminar on June 12, 2009 for Court Clerks, and

WHEREAS a Certificate of Authorization request has been made by the Court Office to have a representative attend said meeting, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Helen Schwartz, Justice Court Clerk to attend the seminar hosted by the Steuben County Court Clerks and New York State Magistrate Court Clerks with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO. 153-09
NYS GEOSPATIAL SUMMIT ATTENDANCE APPROVED

Resolution by: Balland
Seconded by: Smith

WHEREAS a request was signed by the Town Supervisor from the Department of Code and Planning to attend the NYS Geospatial Summit on May 20, 2009, and

WHEREAS the conference request included the conference registration which includes two meals and using a town vehicle for travel, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Stephen J. Polzella and Tim Gilbert to attend the NYS Geospatial Summit on May 20, 2009 with all appropriate expenses to be allocated from the appropriate funds.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: None ABSENT: Hudock

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

RESOLUTION NO. 154-09

PLANNING BOARD RULES OF PROCEDURE APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS The Town of Big Flats Planning Board has reached an agreement on their Rules of Procedure, Resolution P-2009-39, and

WHEREAS the Town of Big Flats Zoning Law Section 17.72.080(G) states the planning board shall create and adopt its own rules and regulations subject to the Town Board's review and approval, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Town of Big Flats Planning Board Rules of Procedure dated April 7, 2009, as adopted by Planning Board Resolution P-2009-39.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith

NAYS: None

ABSENT: Hudock

RESOLUTION NO. 155-09

TOWN COMPLEX PAVEMENT APPROVED

Resolution by: Balland

Seconded by: Manchester

WHEREAS the Town Complex pavement was last completed in 2007, and

WHEREAS the configuration of the parking lot has changed and handicapped parking spaces need to be re-stripped for the new location and the pavement needs to be sealed to be properly maintained, and

WHEREAS the cost to seal and re-stripe the Town Complex pavement is not to exceed \$6,260.00, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Independence Sealcoating to seal and re-stripe the Town Complex pavement at a cost not to exceed \$6,260.00.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith

NAYS: None

ABSENT: Hudock

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

RESOLUTION NO. 156-09
BOARD OF ASSESSMENT REVIEW SECRETARY APPOINTMENT

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Board of Assessment Review will be conducting their annual Grievance Day on Tuesday, May 26, 2009 and request the Town Board hire a secretary for these sessions, and

WHEREAS for environmental purposes this a Type II Action for purposes of SEQRA in accordance with 6NYCRR, Part 617.5 (c)(20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Deanne Williams as Secretary for the Board of Assessment Review during the Grievance Day process on May 26, 2009 and for the necessary time required to complete the filing of paperwork after a decision is rendered at her regular rate of \$10.35 per hour.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO. 157-09
ALTERNATE PLANNING BOARD MEMBER APPOINTMENT APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS pursuant to Town Law Section 271(15)(a), a town board may, by local law or ordinance, or as part of the local law or ordinance creating the planning board, establish alternate planning board member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the planning board shall be appointed by resolution of the town board, for terms established by the town board, and

WHEREAS David Seely expressed interest in becoming an Alternate Planning Board member, and

WHEREAS the Town of Big Flats Planning Board, has recommended the Town Board appoint David Seely as an alternate member, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

RESOLUTION NO. 157-09, ALTERNATE PLANNING BOARD MEMBER continued

BE IT THEREFORE RESOLVED the Town Board approves and hereby appoints David Seely, 40 Churchill Place, Big Flats as an Alternate Planning Board member for a term effective immediately ending December 31, 2009, and

FURTHER RESOLVED the Town Board approves the Alternate Planning Board member shall be paid \$25.00 not-to-exceed 18 meetings, actually attended and representing the Town as a Planning Board member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO. 158-09
e-STUDIO 2330C COLOR COPIER PURCHASE APPROVED

Resolution by: Fairbrother
Seconded by: Balland

WHEREAS the Department of Planning, Building and Code Enforcement has determined and recommends that a color copier/printer/scanner be purchased, and

WHEREAS quotes were received and it was determined that Toshiba Business Solutions quote dated May 6, 2009 be approved, and

WHEREAS for environmental purposes the purchasing of equipment is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to accept the price quotation from Toshiba Business Solutions for the purchase of a Toshiba e-Studio 2330C color copier with automatic document feeder with duplex unity, dual 500 sheet paper drawers and network printing/scanning, and stapling as a demo unit at a cost not-to-exceed Six Thousand Three Hundred Dollars (\$6,300.00), and

FURTHER RESOLVED the cost per copy service and supplies is \$0.0119 for black/white and \$0.075 for color copies, including all service, parts and supplies.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: None ABSENT: Hudock

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

RESOLUTION NO. 159-09
BIO-REMEDIAL OF CONTAMINATED SOIL AT MOUNT SAVIOR MONASTERY
APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS Mount Savior Monastery (hereinafter "Monastery") has found soil contaminated with fuel oil on its property, and

WHEREAS the Monastery requests permission to bio-remediate this soil as directed by the New York State Department of Environmental Conservation (NYSDEC) – STARS, and

WHEREAS the NYSDEC requires approval from the Town for the Monastery to bio-remediate soil on their property, that the Town is aware of the operation, and the Monastery remains in compliance to the NYSDEC recommendations, and

WHEREAS, for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby approves the Mount Savior Monastery request to bio-remediate soil per recommendations of the New York State Department of Environmental Conservation, and

FURTHER RESOLVED the Town Board hereby authorizes the Town Supervisor to sign a letter to NYSDEC approving the bio-remediation of contaminated soil at Mount Savior Monastery.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO. 160-09
ROAD PAVEMENT BID AWARD - CHEMUNG CONTRACTING CORP. APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS a bid advertisement was duly published in the Elmira Star Gazette and bids were received and publicly opened on May 1, 2009, and

WHEREAS the following Type 6 and Type 3 blacktop bid per ton bids were received:

A.L. Blades & Sons, Inc.	Type 6F Top	\$72.70
	Type 3 Binder	\$61.60
	Type 2 Base	\$53.90
	Type 4 Gravel	\$20.00

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

RESOLUTION NO. 160-09, ROAD PAVEMENT BID AWARD continued

	Type 3 Gravel	\$20.00
	Geotextile Fabric	\$ 1.50
	Tack Coat	\$ 0.15 per sq. yd.
Chemung Contracting Corp	Type 6F Top	\$58.75
	Type 3 Binder	\$54.75
	Type 2 Base	\$53.75
	Type 4 Gravel	\$15.00
	Type 3 Gravel	\$15.00
	Geotextile Fabric	\$ 1.50
	Tack Coat	\$ 0.15 per sq. yd.
Narde Paving Co., Inc.	Type 6F Top	\$59.50
	Type 3 Binder	\$55.50
	Type 2 Base	\$55.00
	Type 4 Gravel	\$12.00
	Type 3 Gravel	\$12.50
	Geotextile Fabric	\$ 1.00
	Tack Coat	\$ 0.10 per sq. yd.

WHEREAS the Commissioner of Public Works recommends the bid be awarded to Chemung Contracting Corp., and

WHEREAS, for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board awards the bid proposal to Chemung Contracting Corp. for the 2009 Road Pavement for the following items:

Type 6F Top	\$58.75
Type 3 Binder	\$54.75
Type 2 Base	\$53.75
Tack Coat	\$ 0.15 per sq. yd., with all other bids rejected.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: None ABSENT: Hudock

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

RESOLUTION NO. 161-09
LEON STILES, DRAINAGE EQUIPMENT OPERATOR SALARY APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS Leon Stiles, Drainage Equipment Operator, will be returning to work on May 11, 2009, and

WHEREAS the Drainage Equipment Operator rate of pay was not established for 2009, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets the salary for Leon Stiles, Drainage Equipment Operator, at the rate of \$21.28 per hour effective May 11, 2009.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO. 162-09
RIGHT-TO-FARM LOCAL LAW PUBLIC HEARING APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS the Town Board received a request to consider a proposed Local Law dealing with the right to farm, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing to be held on May 27, 2009 at 7:02 p.m. to hear comments dealing with a proposed local law regarding the Right to Farm.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: None ABSENT: Hudock

CORRESPONDENCE

Liquor License Renewal/BF American Legion. A notice was received from Skinner Ernest Post 1612, aka Big Flats American Legion, dated May 4, 2009, informing the Town of their intent to renew their Liquor License.

MINUTES OF TOWN BOARD MEETING OF MAY 13, 2009

ARC Application Cycle Announcement/STCRP&DB. An announcement was received from Southern Tier Central Regional Planning & Development Board announcing the Appalachian Regional Commission (ARC) application cycle.

Program Update/Time Warner Cable. A notice was received from David Whalen, Vice President of Public and Governmental Affairs for Time Warner Cable, dated May 4, 2009, informing the Town Board of the potential of service agreements expiring.

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester to adjourn the Town Board meeting at 5:25 p.m. All in favor, except Councilperson Hudock was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MAY 27, 2009

PRESENT: Supervisor Mary Ann Balland
Council Edward Fairbrother
Mike Smith
David Manchester
Marcia Hudock
Attorney Thomas W. Reed II
Clerk Teresa Dean

Supervisor Balland called the Town Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

Attorney Reed pointed out a typographic error in the proposed local law. It is article three, "c" should read "...in a manner that does not unreasonably obstructs the free..." and in the first paragraph should read "...in agricultural practices within this Town..." .

PUBLIC HEARING: 7:02 p.m. Local Law – Right to Farm

Supervisor Balland called the public hearing to order and Attorney Reed read the legal notice duly advertised in the Elmira Star Gazette on May 19, 2009, which allowed and considered public comments on a proposed Town of Big Flats Right to Farm Local Law.

IN FAVOR: Leon Kraszewski, 15 Sticklertown Road, felt the right to farm proposal is a good idea for the Town and that he has a farm on Sticklertown Road. It is good that we have something that allows parties to reasonably settle a dispute.

Tom Giles, Maple Valley Farms, stated the law is a good idea and that farming is an important part of the community. He pointed out there are studies that have identified a food shortage by 2030.

OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 7:08 p.m.

CONCERNS OF THE PEOPLE. None

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to approve the minutes of May 13, 2009 as presented. All in favor, motion carried.

REPORTS

Supervisor Balland reported the open house for the complex would be June 14, 2009. RAMS held a meeting to discuss electronic filing and the grant for the Jackson Farm project had been approved.

MINUTES OF TOWN BOARD MEETING OF MAY 27, 2009

OLD BUSINESS

RESOLUTION NO. 163-09
LOCAL LAW 1, 2009 – RIGHT TO FARM

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board received a request to consider a proposed Local Law dealing with the right to farm, and

WHEREAS the Town Board approved Resolution No. 162-09, which set a public hearing to be held on May 27, 2009 at 7:02 p.m. to hear comments dealing with a proposed local law regarding the Right, and

WHEREAS said public hearing was held and all those wishing to comment were allowed the opportunity, and

WHEREAS for environmental review purposes, administration is an Unlisted Action in accordance with SEQRA 6NYCRR, and a Short EAF, dated May 22, 2009 having been completed, now

BE IT THEREFORE RESOLVED that the Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQRA 6NYCRR Part 617, that the proposed Unlisted Action will not have a significant effect on the environment issuing a Negative Declaration, and

FURTHER RESOLVED the Town Board approves the Right to Farm local law to be known as Local Law 1 of 2009.

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

NEW BUSINESS

RESOLUTION NO. 164-09
VOID CHECKS APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS a memorandum was received from the Bookkeeper, dated May 21, 2009, requesting authorization to void specific checks, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MAY 27, 2009

RESOLUTION NO. 164-09, VOID CHECKS APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void the following checks:

No. 7349 payable to S&S Sign & Safety Equip, \$733.00 due to incorrect coding and reissue check for the same amount payable to Sign Inn, and

No. 7292 payable to ACI Supply Company, \$137.80 due to overpayment and authorize the deletion of Voucher #8357.

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

RESOLUTION NO. 165-09
BUDGET TRANSFERS APPROVED

Resolution by: Manchester

Seconded by: Hudock

WHEREAS a memorandum was received from the Bookkeeper, dated May 21, 2009, requesting authorization to complete budget transfers, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following budget transfers:

FROM:	Planning	A8020.0400	\$20,000.00
TO:	Buildings	A1620.0200	\$20,000.00
FROM:	Drainage	A8540.0400	\$5,000.00
TO:	Research	A8030.0400	\$5,000.00
FROM:	Contingency	A1990.0400	\$3,000.00
TO:	Supervisor	A1220.0400	\$3,000.00

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 27, 2009

RESOLUTION NO. 166-09

CAPITAL PROJECT #9 SING SING LOOP PROJECT ACCOUNT CLOSING APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS a memorandum was received from the Bookkeeper, dated May 21, 2009, stating since the Capital Project #9 Sing Sing Loop Project is completed and no further financial activities are anticipated, request the closing out entries, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to complete the following closing out entries for the Capital Project #9 Sing Sing Loop Project:

Appropriations	H99609	\$549,561.17
Estimated Revenues	H9510	\$549,561.17

to close out Capital Project authorization conclusion of project:

Fund Balance	H9909	\$1,557.91
Cash	H90202	\$1,557.91

The available cash balance will be transferred to Water District #3:

Cash	S30202	\$1,557.91
Fund Balance	S3909	\$1,557.91

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock

NAYS: None

RESOLUTION NO. 167-09

ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Smith

Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for May 2009, vouchers 8453 – 8575, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 72,384.55
HIGHWAY FUND	\$ 24,627.45
CAPITAL PROJECT #11	\$248,657.16
CAPITAL PROJECT #6	\$ 9,932.53
CAPITAL PROJECT #8	\$ 2,854.82
WATER DISTRICT #1	\$ 5,138.72

MINUTES OF TOWN BOARD MEETING OF MAY 27, 2009

RESOLUTION NO. 167-09, ABSTRACT OF AUDITED VOUCHERS continued

WATER DISTRICT #2	\$ 6,576.98
WATER DISTRICT #3	\$ 3,864.76
WATER DISTRICT #4	\$ 319.39
LIGHTING DISTRICT	\$ 562.63
TRUST & AGENCY	\$ 1,673.00

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

RESOLUTION NO. 168-09
COOPER'S PAVILION CONCRETE PAD APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS renovations to Cooper's Pavilion include the construction of a new concrete floor pad, and

WHEREAS three quotes were solicited as follows:

ACP Architectural Concrete Plus:	\$11,575.00
Eugene Terwilliger Masonry Contractor:	\$ 8,800.00
William Wood Masonry, LLC:	\$ 8,010.00

WHEREAS William Wood Masonry submitted the lowest quote not to exceed \$8,010.00, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes William Wood Masonry, LLC to perform the installation of the concrete pad for Cooper's Pavilion at Community Park for a total cost not-to-exceed Eight Thousand Ten Dollars (\$8,010.00).

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

Supervisor Balland stated the security quotes are being finalized and the proposal will be presented to the Town Board in the near future.

CORRESPONDENCE

Funding Alert/Laberge Group. A notice was received from Richard Laberge, President of Laberge Group, dated May 11, 2009, informing the Town Supervisor of funding opportunities in Update Regional Blueprint Fund grants.

MINUTES OF TOWN BOARD MEETING OF MAY 27, 2009

Smart Seniors Presentation/NYS Office of the Attorney General. A letter was received from Honorable Andrew Cuomo, Attorney General for New York State, dated May 11, 2009, thanking the Town Supervisor for participation in the recent Smart Seniors presentation at the Community Center.

Liquor License Renewal/Outback Steakhouse. A notice was received from Ariane McQueen, Legal Assistant for Outback Steakhouse, informing the Town of their intent to renew their Liquor License.

Town Clerk Teresa Dean informed the Town Board that she would be submitting her resignation to the Secretary of State.

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester to adjourn the Town Board meeting at 7:21 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JUNE 10, 2009

PRESENT: Supervisor Mary Ann Balland
 Council David Manchester
 Edward Fairbrother
 Mike Smith
 Attorney Thomas Reed
 Deputy Town Clerk Sheree McGannon

ABSENT: Council Marcia Hudock
 Town Clerk Teresa Dean

Supervisor Balland called the Town Board meeting of June 10, 2009 to order at 4:30 p.m.

REPORTS

Supervisor Balland stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's; Ag & Markets; SPCA Report; Supervisor Fund Balance; Justice Court Report; Community Center Income/Expense Report; Assessor's Report; Department of Public Works; Tax Collector Final Report; Community Center; Planning Staff Report.

The following verbal reports were provided:

- Steve Polzella, stated a letter was received notifying the Town that the State Recovery Grant application has been denied; and
- Councilperson Fairbrother reported he is working with the Planning Department on the Vacancy Law.

CONCERNS OF THE PEOPLE

Don Gaylord, 316 Reasor Hollow Road, asked when the patching of roads would begin. Larry Wagner reported the patching had started. Kahler Road, Olcott Road, Reasor Hollow Road and Steege Hill Road are all scheduled for patching.

OLD BUSINESS

RESOLUTION NO. 169-09 SUMMER T.A.F.F.Y. PROGRAM ROVERS APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Youth Program Coordinator recommends the Town Board appoint Christopher Allen, 94 Hillview Drive, Big Flats and Casey Hutten, 57 Woodland Drive, Big Flats, to the position of Rover for the Summer T.A.F.F.Y. Program, and

MINUTES OF TOWN BOARD MEETING OF JUNE 10, 2009

RESOLUTION NO. 169-09, SUMMER T.A.F.F.Y. PROGRAM ROVERS continued

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Chris Allen and Casey Hutten as Rovers for Summer T.A.F.F.Y. effective May 27, 2009 and ending August 14, 2009.

CARRIED: AYES: Manchester, Fairbrother, Balland, Smith
NAYS: None ABSENT: Hudock

NEW BUSINESS

RESOLUTION NO. 170-09
ANSCHUTZ EXPLORATION AGREEMENT APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS Anschutz Exploration Corp. requests permission to conduct seismic and/or geophysical testing across properties owned by the Town of Big Flats, and

WHEREAS Elexco Land Services has submitted the Anschutz Exploratin Corp. permit for approval, and

WHEREAS the Anschutz Exploration Corp. permit will allow Elexco Land Services, Inc. to enter Town properties to conduct the aforementioned seismic and/or geophysical testing, and

WHEREAS property to be tested is Tax parcel 67.01-1-12, Rails to Trails, and

WHEREAS there will be no drilling on Town property, and

WHEREAS any test cables placed on the ground would not be in any Town park area utilized by the public on a regular basis, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, authorizes the Town Supervisor to sign the Anschutz Exploration Corp. permit for conducting seismic and/or geophysical testing, subject to the review and approval of the Attorney for the Town.

CARRIED: AYES: Manchester, Fairbrother, Balland, Smith
NAYS: None ABSENT: Hudock

MINUTES OF TOWN BOARD MEETING OF JUNE 10, 2009

RESOLUTION NO. 171-09
PROPOSED ZONING AMENDMENT PUBLIC HEARING APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town of Big Flats Planning Board has recommended a Zoning Amendment through Resolution P-2009-45, and

WHEREAS the Town of Big Flats Department of Planning staff have reviewed the comprehensive plan and found reasonable facts to support said Zoning Amendment, and

WHEREAS Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment, and

WHEREAS Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Planning Board to recommend amending the requirements in the BFZL, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for June 24, 2009 at 7:02 p.m. on the proposed Zoning Amendment.

CARRIED: AYES: Manchester, Fairbrother, Balland, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO. 172-09
TIMBER HARVESTING PERMIT ON PROPERTY OWNED BY RANDY HEPFNER
APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS a Timber Harvesting Application has been received from Gutchess Lumber Company to harvest 36,000 board feet of timber from approximately 50 acres of land

WHEREAS the Town Board finds this action to be an Unlisted Action Under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will begin on June 11, 2009;
2. The skid roads are existing and all water bars will be maintained during and after the harvest. No new skid rows will be added.
3. The landing areas and all skid roads will be smoothed and free of debris, also the landing and skid roads will be seeded with a conservation mix after the harvest is complete.

MINUTES OF TOWN BOARD MEETING OF JUNE 10, 2009

RESOLUTION NO. 172-09, TIMBER HARVESTING PERMIT continued

BE IT THEREFORE RESOLVED the application for a timber harvesting permit submitted by Gutchess Lumber Company is approved as follows:

1. The logging operation, as proposed will involve trucks using Upson Road to Chambers Road to Interstate 86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield;
2. The transport of logs may only occur between the hours of 9:00am to 7:00pm daily with the exception that on days public schools are in session the transport of logs may not occur between the hours of 1:30 and 4:30PM.
3. Upson Road & Chambers Road shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and must be cleaned when required by the Code Enforcement Officer as a result of any inspections.

Prior to Obtaining Permit

4. A performance guarantee in the form of a certified check for \$1500 must be posted with the Code Enforcement Office before any timber harvesting may begin. The performance guarantee will be returned upon the satisfactory completion of all logging operations, compliance with conditions of this resolution, and a final inspection of the timber harvesting site by the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.

Prior to any Logging Operations

5. Proof of Vehicle, General Liability, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and for property damage of \$250,000 for logging operations, unless authorized by the Town Board and the Town Attorney. The Town of Big Flats must be listed as an additional insured and said proof must be filed with the Code Enforcement Office at least 48 hours before commencing any logging operations. Said proof of insurance must be approved by the Town Attorney prior to commencement of work.
6. Notification, in the form of a letter and a copy of the map showing the approved logging area must be provided to all abutters.

During Harvesting Activity

7. The logger shall notify the Code Enforcement Officer within five days of completion to Coordinate onsite inspections.
8. The logging site shall be subject to periodic inspections by the Code Enforcement Officer, and Chemung County Soil & Water Conservation Service Representatives at any time during the course of the operation. These inspections will be done between 10:00am and 4:00pm.

CARRIED: AYES: Manchester, Fairbrother, Balland, Smith
NAYS: None ABSENT: Hudock

MINUTES OF TOWN BOARD MEETING OF JUNE 10, 2009

RESOLUTION NO. 173-09
ADDITIONAL STIPEND FOR DEPUTY TOWN CLERK APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Clerk, Teresa Dean has notified the Town Board that she is resigning from the position of Town Clerk effective June 30, 2009, and

WHEREAS the Town Board recognizes the additional work demands placed on the Deputy Town Clerk to fulfill the vacancy caused by the resignation of the Town Clerk, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes a stipend of one thousand dollars (\$1000.00) a month to be paid to the Deputy Town Clerk starting June 9, 2009 until September 24, 2009, payable by separate check the last pay period of each month.

CARRIED: AYES: Manchester, Fairbrother, Balland, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO. 174-09
SPECIAL USE PERMIT PUBLIC HEARING FOR CAMPING WORLD APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Planning Board has received an application from Camping World for temporary vehicle sales on tax parcel #57.04-1-7.17 located in the Business Regional (BR) District, and

WHEREAS the use of vehicle sales in the BR district pursuant to Chapter 17.12.010 of the Town Municipal Code requires Special Use Permit approval of the Town Board, and

WHEREAS prior to action on a Special Use Permit a Public Hearing shall be duly held by the Town Board, now

BE IT THEREFORE RESOLVED that the Town Board sets a Public Hearing for June 24, 2008 at 7:05 p.m. to hear comments for a Special Use Permit for Camping World.

CARRIED: AYES: Manchester, Fairbrother, Balland, Smith
NAYS: None ABSENT: Hudock

MINUTES OF TOWN BOARD MEETING OF JUNE 10, 2009

RESOLUTION NO. 175-09
PREPAYMENT TO R .L. CALLAHAN, INC. APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS the Commissioner of Public Works requests the Town Board approve a prepayment to R. L. Callahan Inc. in order to obtain a discount on the fee for screened gravel, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to pay R. L. Callahan, Inc., invoice number 8905, dated May 19, 2009, for an amount of \$15,736.20 to be paid by June 15, 2009.

CARRIED: AYES: Manchester, Fairbrother, Balland, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO. 176-09
CHEMUNG COUNTY STORMWATER COALITION AGREEMENT APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS The Chemung County Stormwater Coalition has requested the continuation of A shared service agreement with the Town of Big Flats Department of Planning, and

WHEREAS the Department of Planning will provide the services of Stormwater Technician for the Coalition from July 1, 2009 through December 31, 2009, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a shared services agreement with the Chemung County Stormwater Coalition at rates set forth in the agreement.

CARRIED: AYES: Manchester, Fairbrother, Balland, Smith
NAYS: None ABSENT: Hudock

MINUTES OF TOWN BOARD MEETING OF JUNE 10, 2009

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session to discuss potential litigation. All in favor, except Councilperson Hudock was absent, motion carried.

CORRESPONDENCE

Thank You/Dave and Nancy Kallenborn. A letter was received from Dave and Nancy Kallenborn of 39 Stonybrook Road East, dated May 27, 2009, thanking the Town for the repair of Stonybrook Road, Stonybrook Road East and Birch Road.

Thank You/John H. Brennan. A letter was received from John H. Brennan of 3275 Stonybrook Road, dated May 27, 2009, thanking the Town for the repair of Stonybrook Road and the repair of two dry wells.

Local Government Connection Newsletter/NYS Comptroller. The Spring 2009 quarterly newsletter was received from the New York State Comptroller.

General Project Plan for DeMet's/NYS Department of Economic Development. A letter was received from Robin Alpaugh of NYS Department of Economic Development, dated May 26 2009, advising the Town of a public hearing regarding DeMet's Candy – Empire State Economic Development Fund.

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated May 29, 2009, providing the Town Board with a list of expiring and added programs.

Memorandum of Understanding/NYS Office of Real Property Services. A Memorandum of Understanding, dated June 23, 2009, was received from the Office of Real Property Services for the annual assessment program.

Supervisor Balland reported a meeting was held at Harris Hill for the 65/35 program and the last quarter will be reimbursed. The Town Hall renovations are almost complete and the Open House is expecting approximately 300 to 400 people, parking may be an issue and asked the Town Board if the Big Flats Fire Department should be contacted to assist with parking. The Supervisors Office is being carpeted and the phone is out of order until the office can be put back together.

Councilperson Fairbrother reminded everyone that the Robertshaw paintings will be on display at the Community Center not the Town Hall for the Open House and then they will be brought to the Meeting Room at the Town Hall.

Supervisor Balland stated she attended the Open House for Soul Full Cup.

The Town Board entered into Executive Session at 5:17 p.m.

Supervisor Balland reconvened the Town Board meeting at 5:29 p.m.

MINUTES OF TOWN BOARD MEETING OF JUNE 10, 2009

Since there was no further business to come before the Board, Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board meeting at 5:30 p.m. All in favor, except Councilperson Hudock was absent, motion carried.

Date approved: _____

Sheree C. McGannon
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

PRESENT: Supervisor Mary Ann Balland
Council Edward Fairbrother
Marcia Hudock
David Manchester
Michael Smith
Attorney Thomas W. Reed II
Clerk Teresa Dean

Supervisor Balland called the Town Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

REPORTS:

Supervisor Balland stated she attended a conference regarding baby boomers and felt the Town of Big Flats should consider holding programs relative to these issues. It was recommended that the Department of Public Works issue decals for people utilizing the Kahler Road dumping site.

PUBLIC HEARING: 7:02 P.M. Zoning Law Amendment – Accessory Wind Energy Conversion Systems

Supervisor Balland called the public hearing to order and Attorney Reed read the legal notice duly advertised in the Elmira Star Gazette on June 15, 2009, which allowed and considered public comments on a proposed Town of Big Flats Zoning Law referencing accessory wind energy conversion systems.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 7:04 p.m.

PUBLIC HEARING: 7:05 P.M. Camping World Special Use Permit

Supervisor Balland called the public hearing to order and Attorney Reed read the legal notice duly advertised in the Elmira Star Gazette on June 15, 2009, which allowed and considered public comments on a proposed Special Use Permit for Camping World to permit an RV sales event located off County Route 64 in the former Wal-Mart parking lot.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 7:06 p.m.

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

CONCERNS OF THE PEOPLE. None

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to approve the minutes of May 27, 2009 as presented. All in favor, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Fairbrother, to approve the minutes of June 10, 2009 as presented. All in favor, motion carried.

OLD BUSINESS

RESOLUTION NO. 177-09

LOCAL LAW #2 OF 2009 A ZONING AMENDMENT REGARDING ACCESSORY
WIND ENERGY CONVERSION SYSTEMS APPROVED

Resolution by: Fairbrother

Seconded by: Manchester

WHEREAS the Town of Big Flats Planning Board has recommended a Zoning Amendment through Resolution P-2009-45, and

WHEREAS the Town of Big Flats Department of Planning Staff have reviewed the comprehensive plan and found reasonable facts to support said Zoning Amendment, and

WHEREAS Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment, and

WHEREAS Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Planning Board to recommend amending the requirements in the BFZL, and

WHEREAS the Chemung County Planning Board has reviewed the amendment as per General Municipal Law 239-m and returned the amendment for local determination, and

WHEREAS the Town of Big Flats board has determined the project to be an unlisted action, completed the Short Environmental Assessment form dated June 8, 2009 and has completed the SEQRA review as the Lead Agency, now

BE IT THEREFORE RESOLVED the Board of the Town of Big Flats hereby determines, Pursuant to the provisions of SEQR 6 NYCRR Part 617, the proposed Unlisted Action will not have a significant adverse environmental effect and preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration thereon, and

BE IT FURTHER RESOLVED the Town Board approves the zoning amendment titled Local Law #2 of 2009, Wind Energy Conversion Systems and the Town Clerk shall file the same with the Department of State.

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

RESOLUTION NO. 178-09
CAMPING WORLD SPECIAL USE PERMIT APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Planning Board has received an application from Camping World for site plan approval to permit an RV sales event located off CR 64, Tax Parcel 57.04-1-7.17, and

WHEREAS the property is located in the Business Regional (BR) district near the intersection of I-86 and CR 64, and

WHEREAS the property is located in the Consumer Square Plaza at the vacant Walmart parking lot, and

WHEREAS vehicle sales is a use permitted under site plan approval and upon grant of a special permit by the Town Board, and

WHEREAS a public hearing was duly held on June 24, 2009 whereat all interested parties were duly heard, now

BE IT THEREFORE RESOLVED the Town Board approves the special use permit for Camping World with the following conditions:

- Hours of Operation shall be limited to hours within the times of 6:00 am EST and 11:00 pm EST
- The dates of the sales event shall be July 28, 2009 through August 5, 2009
- All vehicles shall be removed and the site shall be returned to original condition no later than August 12, 2009
- Operational lighting shall follow the schedule of the plaza
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52, and

FURTHER RESOLVED for the purposes of SEQRA, the Town of Big Flats Planning Board deemed the proposed action to be unlisted and made and found a negative declaration of significant environmental impacts.

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

RESOLUTION NO. 179-09

RESOLUTION NO. 173-09 AMENDMENT APPROVED

Resolution by: Hudock

Seconded by: Balland

WHEREAS the Town Board authorized a stipend for the Deputy Town Clerk by Resolution No.173-09 and the Bookkeeper requested clarification, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes a stipend of one thousand dollars (\$1000.00) a month to be paid to the Deputy Town Clerk for June 2009 through September 2009, payable by separate check the last pay date of each month.

CARRIED: AYES: Balland, Manchester, Hudock, Smith, Fairbrother

NAYS: None

RESOLUTION NO. 180-09

SUMMER T.A.F.F.Y. EMPLOYEE AMENDMENT APPROVED

Resolution by: Manchester

Seconded by: Fairbrother

WHEREAS the Big Flats Youth Services Department will be hosting the Summer TAFFY Program and the Town Board adopted Resolution No. 151-09 appointing the employees, and

WHEREAS the Youth Services Coordinator, in a memo dated June 18, 2009, requests the Town Board amend the employees, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board amends the Summer TAFFY employees by removing Timothy Hutten and Sean Shoemaker and appointing Craig Allen, 94 Hillview Drive, Big Flats and Abigail Surosky, 103 Halderman Hollow Road, Elmira at the rate of \$7.30 per hour, and

FURTHER RESOLVED the Town Board appoints Kaitlin Olmstead as a Park Leader at the rate of \$8.25 per hour.

CARRIED: AYES: Manchester, Hudock, Smith, Fairbrother, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

NEW BUSINESS

RESOLUTION NO. 181-09
CHEMUNG CANAL TRUST COMPANY ACCOUNT AUTHORIZATION
APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Clerk has resigned effective June 30, 2009, and

WHEREAS the Town Board recognizes that the Deputy Town Clerk will need authorization to carry out the duties and functions of the Office of the Town Clerk, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Deputy Town Clerk be authorized access to the Town Clerk account at the Chemung Canal Trust Company and execute checks drawn thereon.

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

RESOLUTION NO. 182-09
HIGHWAY LAW SECTION 284 AGREEMENT AMENDMENT APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS in accordance with Highway Law, Section 284, the Town Supervisor, Town Board, and Commissioner of Public Works are required to enter into an agreement regarding moneys levied and collected in the Town for repair and improvement of highways, and

WHEREAS the Town Board wishes to increase the funding to enable additional road improvements, and

WHEREAS the 2009 Section 284 Agreement needs to be amended to reflect additional funding for road improvements, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

RESOLUTION NO. 182-09, HIGHWAY LAW SECTION 284 AGREEMENT
AMENDMENT continued

BE IT THEREFORE RESOLVED, in accordance with Highway Law, Section 284, the Town Supervisor, Town Board and Commissioner of Public Works are authorized to amend the 2009 Highway Law Section 284 Agreement for the Expenditure of Highway Money for West Hill A Road, Reasor Hollow Road, Breed Hollow Road, Barnes Hill Road, and Halderman Hollow Road to make a new total sum of \$173,215.00.

CARRIED: AYES: Balland, Manchester, Hudock, Smith, Fairbrother
NAYS: None

Councilperson Fairbrother felt the Town Board needed to consider purchasing additional speed strips to use throughout the Town. He also stated that a committee should be created to meet with representatives of law enforcement to establish road weight limits on some of the Town roads. Councilperson Manchester stated Horseheads received complaints about the installation of speed bumps from the neighborhoods because they felt they were not properly warned. They also recommended obtaining speed display data prior to the installation of speed bumps. Supervisor Balland recommended Councilpersons Smith and Fairbrother, the Highway Working Foreman and Commissioner of Public Works as a committee to investigate the weight limit restrictions.

RESOLUTION NO. 183-09
PROPOSED LOCAL LAW #3 OF 2009 FOR SEWER DISTRICT # 1 PUBLIC
HEARING APPROVED

Resolution by: Hudock
Seconded by: Balland

WHEREAS the Town of Big Flats has established Sewer District #1 through Resolution 115-09, and

WHEREAS a Local Law is required for the operation of Sewer District #1 and establishing the rules and regulations thereto, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for July 8, 2009 at 4:32 p.m. on the proposed Local Law #3 of 2009 for Sewer District #1.

CARRIED: AYES: Manchester, Hudock, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

Attorney Reed pointed out the next step for the Town Board to consider will be the proposed agreement, set of rules and regulations and the schedule of rates.

RESOLUTION NO. 184-09
JACKSON FARM BASIN GRANT APPLICATION APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the NYS Emergency Management Office facilitates grant funding for flood mitigation, and

WHEREAS the Town has applied for grant funding for the design and construction of a detention basin known as Jackson Farm Basin, to aid in flooding mitigation, and

WHEREAS the Town is required to enter a new agreement with the NYS Emergency Management Office for said grant funding, now

BE IT THEREFORE RESOLVED the Town Supervisor is hereby authorized to sign and submit any and all agreements with the New York State Emergency Management Office in connection with the Jackson Farm Basin Grant application.

AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

RESOLUTION NO. 185-09
BUDGET TRANSFER/AMENDMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS a memorandum was received from the Bookkeeper, dated June 16, 2009, requesting authorization to complete budget transfers and amendments, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following budget transfer:

FROM: Contingency 1990.0400 \$6,300.00
TO: Planning C O A8020.0200 \$6,300.00, and

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

RESOLUTION NO. 185-09, BUDGET TRANSFER/AMENDMENT continued

FURTHER RESOLVED the Town Board authorizes the following budget amendments:

Increase Est. Revenues	D0510	\$75,000
Interfund Transfer	D5031	\$75,000
Increase Appropriations	D0960	\$75,000
Increase Permanent Improvements CE	D5112.0400	\$75,000

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

RESOLUTION NO. 186-09
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Smith
Seconded by: Hudock

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for June 2009, vouchers 8576 – 8691, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$68,847.45
HIGHWAY FUND	\$45,863.31
WATER DISTRICT #1	\$ 3,294.44
WATER DISTRICT #2	\$ 3,641.77
WATER DISTRICT #3	\$ 1,196.32
WATER DISTRICT #4	\$ 329.56
LIGHTING DISTRICT	\$ 541.96
TRUST & AGENCY	\$ 496.19
CAPITAL PROJECT #11	\$11,601.52
CAPITAL PROJECT #6	\$ 1,900.26
CAPITAL PROJECT #8	\$ 1,105.00
DEBT SERVICE	\$74,881.25

CARRIED: AYES: Balland, Manchester, Hudock, Smith, Fairbrother
NAYS: None

RESOLUTION NO. 187-09
PERFORMANCE BOND TO GUTCHESS LUMBER CO. RELEASE APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS a timber harvesting application had been received from Randall W. and Joyce L. VanNordstrand to harvest 39,000 board feet of timber from approximately 38 acres of land, Tax Parcels 47.00-1-39, 47.00-1-40 and 47.00-1-32.1, and

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

RESOLUTION NO. 187-09, PERFORMANCE BOND RELEASE continued

WHEREAS the Town Board duly approved said request by adopting Resolution No. 94-09, and

WHEREAS said timber harvesting has been completed and an inspection was performed by Code Enforcement Officer, Tim Gilbert, and

WHEREAS for environmental purposes this is a Type II action in accordance with SEQRA, now

BE IT THEREFORE RESOLVED the Town Board authorizes the release of the performance bond in the amount of One Thousand One Hundred and Forty-Eight Dollars (\$1148.00) to Gutchess Lumber Co.

CARRIED: AYES: Manchester, Hudock, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 188-09
TOWN HISTORIAN RESIGNATION APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Supervisor received a resignation from E. R. Van Etten, stating that he has chosen to resign from his position as the Town Historian, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of E. R. Van Etten as Town Historian effective July 18, 2009, and

FURTHER RESOLVED the Town Board recommends the Town Supervisor send a letter of appreciation for his time and service to the Town of Big Flats as Town Historian.

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

RESOLUTION NO. 189-09
MEMORANDUM OF UNDERSTANDING FOR ANNUAL REASSESSMENT
APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Town Board recognizes that maintaining equity in assessments is a process that includes annual maintenance, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Memorandum of Understanding with the New York State Office of Real Property Services for Annual Reassessment Plan.

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith
NAYS: None

RESOLUTION NO. 190-09
LICENSE AGREEMENTS APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town Board recognizes that the Deputy Town Clerk will need authorization to carry out the duties and functions of the Office of the Town Clerk, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Deputy Town Clerk to execute an application and agreement with the NYS Department of Environmental Conservation for the purpose of issuing sporting licenses, and

FURTHER RESOLVED the Town Board authorizes the Deputy Town Clerk to enroll for access to the NYS Agriculture and Markets Dog Licensing program.

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

RESOLUTION NO. 191-09

VILLAGE OF HORSEHEADS SWIMMING PRIVILEGE AGREEMENT APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the Village of Horseheads and Big Flats have discussed joint services for the purpose of providing swimming privileges to Town of Big Flats residents at a cost not-to-exceed \$1,800.00 for calendar year 2009, and

WHEREAS Big Flats desires to contract with Horseheads for the purpose of having access to the Horseheads Thorne Street swimming pool, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Agreement with the Village of Horseheads for the purpose of providing swimming privileges to Town of Big Flats residents at a cost not-to-exceed \$1,800.00 for calendar year 2009.

CARRIED: AYES: Fairbrother, Balland, Manchester, Hudock, Smith

NAYS: None

Supervisor Balland made a motion, seconded by Councilperson Manchester, to enter into Executive Session following the Town Board meeting to discuss a particular personnel matter and possible lease. All in favor, motion carried.

CORRESPONDENCE

2009 Equalization Rate Status/NYS ORPS. A notice was received from New York State Office of Real Property Services, dated June 9, 2009, information the Town of the 2009 Equalization Rate Status for Big Flats.

Landowner Notice/Millennium Pipeline. A notice was received from Michael Armiak, Director of External Affairs for Millennium Pipeline Company, LLC, dated June 4, 2009, providing a copy of a letter mailed to the landowners regarding the construction and it's affects of the Millennium Pipeline.

Landowner Incentive Program/NYSDEC. A letter was received from Sandra Van Vranken, Wildlife Technician for NYS Department of Environmental Conservation, dated June 8, 2009, informing the Town of the Landowner Incentive Program (LIP) Grassland Protection and Management funding program.

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

Letter of Support/Town Supervisor. A copy of a letter written to Kevin McLaughlin, Regional Director for Empire State Development Corporation, dated June 11, 2009 was provided from the Town Supervisor regarding support of the application for funding from the New York State Regional Blueprint Fund.

GISP Certification/The GIS Certification Institute. A letter was received from Wendy Nelson, GISCI Interim Director for GIS Certification Institute, dated June 17, 2009, congratulating Stephen Polzell on his certification.

Supervisor Balland temporarily suspended the Town Board meeting.

WATER BOARD

Supervisor Balland opened the Water Board meeting at 7:35 p.m.

NEW BUSINESS

RESOLUTION NO. 191-09 LARSON DESIGN GROUP AGREEMENT APPROVED

Resolution by: Fairbrother

Seconded by: Hudock

WHEREAS the Department of Health has apprised the Town of the need for emergency power supply for the water system to meet current standards of practice, and

WHEREAS Larson Design Group has provided a proposal for the engineering of emergency power generator for Water District #1, and

WHEREAS Larson Design Group has submitted a fee of \$6000 plus expenses anticipated to be \$250, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes Larson Design Group to provide the engineering services for the emergency power generator for Water District #1 for a total not to exceed \$6250.00.

CARRIED: AYES: Smith, Fairbrother, Balland, Manchester, Hudock

NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester to adjourn the Water Board meeting at 7:39 p.m. All in favor, motion carried.

MINUTES OF TOWN BOARD MEETING OF JUNE 24, 2009

Supervisor Balland reconvened the Town Board meeting at 7:39 p.m.

Councilperson Hudock thanked Larry and the Department of Public Works for the repair of Kahler Road and the County moving the sign at the end of Harris Hill Road.

Upcoming events include Sperr Park 5K race will be September 26, 2009; fireworks at the Airport on Saturday – June 27, 2009; Park Commission continues to inspect the parks. Councilperson Hudock also pointed out that her husband had retired and taken employment outside of the area; however, she is not moving and will fulfill her obligations with the Town of Big Flats.

Supervisor Balland stated the open house was beyond expectation. She also thanked the Smith family for their generous contributions of the Robertshaw display.

The Town Board entered into Executive Session at 7:40 p.m.

Supervisor Balland reconvened the Town Board meeting at 8:04 p.m.

Since there was no further business to come before the Town Board, Councilperson Hudock made a motion, seconded by Councilperson Fairbrother to adjourn the Town Board meeting at 8:04 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF JUNE 26, 2009

PRESENT: Supervisor Mary Ann Balland
 Council David Manchester
 Edward Fairbrother
 Deputy Town Clerk Sheree McGannon

ABSENT: Council Marcia Hudock
 Mike Smith
 Town Clerk Teresa Dean
 Attorney Thomas Reed

Supervisor Balland called the Special Town Board meeting to order at 1:36 pm.

NEW BUSINESS

RESOLUTION NO. 192-09
REGISTRAR OF VITAL STATISTICS APPOINTMENT APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Public Health Law requires all towns appoint a Registrar of Vital Statistics, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Sheree McGannon, Deputy Town Clerk, as Registrar of Vital Statistics for the Town of Big Flats.

CARRIED: AYES: Balland, Manchester, Fairbrother
 NAYS: None ABSENT: Smith, Hudock

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the Special Town Board meeting at 1:37 p.m. All in favor, except Councilpersons Smith and Hudock were absent. Motion carried.

Date approved: _____ Sheree C. McGannon
 Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF JULY 8, 2009

PRESENT: Supervisor Mary Ann Balland
 Council David Manchester
 Edward Fairbrother
 Marcia Hudock
 Attorney Thomas Reed
 Deputy Town Clerk Sheree McGannon

ABSENT: Council Mike Smith

Supervisor Balland called the Town Board meeting of July 8, 2009 to order at 4:30 p.m. and requested participation in the pledge of allegiance.

Supervisor Balland handed out a list of on-going projects to the Town Board.

PUBLIC HEARING: 4:32 P.M. Sewer Use Law for Big Flats Sewer District #1

Supervisor Balland called the public hearing to order and Attorney Reed read the legal notice duly advertised in the Elmira Star Gazette on June 30, 2009, which allowed and considered public comments on a proposed Town of Big Flats Sewer Use Law for Sewer District #1.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:33 p.m.

REPORTS

Supervisor Balland stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's; Ag & Markets; SPCA Report; Community Center Income/Expense Report; Assessor's Report; Department of Public Works; Community Center; Community Center Advisory Board Minutes.

CONCERNS OF THE PEOPLE. None

OLD BUSINESS

Attorney Reed reported the Town Clerk's Office has the final rules and regulations for the Sewer District No. 1. Copies will be placed in the Town Board mailboxes.

RESOLUTION NO. 193-09

LOCAL LAW #3 OF 2009 ESTABLISHING THE BIG FLATS SEWER USE LAW FOR THE
BIG FLATS SEWER DISTRICT NO. 1 APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Town of Big Flats has established Sewer District No. 1, and

MINUTES OF TOWN BOARD MEETING OF JULY 8, 2009

RESOLUTION NO. 193-09, LOCAL LAW #3 OF 2009 SEWER USE LAW continued

WHEREAS a Local Law is required for the operation of Sewer District No. 1 and establishing the rules and regulations thereto, and

WHEREAS the Town Board approved Resolution No. 183-09, which set a public hearing to be held on July 8, 2009 at 4:32 p.m. to hear comments dealing with a proposed local law regarding Sewer District No. 1 use law, and

WHEREAS said public hearing was held and all those wishing to comment were allowed the opportunity, and

WHEREAS for environmental review purposes, administration is an Unlisted Action in accordance with SEQRA 6NYCRR, and a Short EAF, dated July 2, 2009 having been completed, now

BE IT THEREFORE RESOLVED that the Town Board hereby determines, pursuant to the provisions of SEQRA 6NYCRR Part 617, that the proposed Unlisted Action will not have a significant effect on the environment issuing a Negative Declaration, and

FURTHER RESOLVED the Town Board approves the Use Law titled Local Law #3 of 2009, Big Flats Sewer Use Law for Big Flats Sewer District No. 1 and the Town Clerk shall file the same with the Department of State.

CARRIED: AYES: Manchester, Fairbrother, Balland, Hudock
NAYS: None ABSENT: Smith

RESOLUTION NO. 194-09
AMENDMENT TO RESOLUTION NO. 187-09 APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town Board approved Resolution No. 187-09 to return a performance bond to Gutches Lumber Co., and

WHEREAS the amount to be returned was incorrectly stated in the resolution, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the release of the performance bond in the amount of One Thousand One Hundred and Forty Dollars (\$1140.00) to Gutches Lumber Co.

CARRIED: AYES: Manchester, Fairbrother, Balland, Hudock
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF JULY 8, 2009

NEW BUSINESS

RESOLUTION NO 195-09

ATTENDANCE TO THE PLANNING AND ZONING SUMMER SCHOOL APPROVED

Resolution by: Fairbrother
Seconded by: Balland

WHEREAS the Association of Towns of the State of New York is sponsoring Planning and Zoning Summer School on August 4, 2009 at Onondaga Community College, and

WHEREAS the Town Code requires planning board and zoning board members to receive training and no travel reimbursements will be granted as Town vehicles will be utilized, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to register up to ten (10) planning board members, zoning board members or staff to attend the Planning and Zoning Summer School on August 4, 2009 at a cost not to exceed \$700.00.

CARRIED: AYES: Manchester, Fairbrother, Balland, Hudock
NAYS: None ABSENT: Smith

RESOLUTION NO. 196-09

ATTENDANCE TO THE NYS GIS CONFERENCE APPROVED

Resolution by: Manchester
Seconded by: Balland

WHEREAS the NYS GIS Conference is being held in Lake Placid, NY from October 25-27, 2009, and

WHEREAS the conference request includes registration, use of a town vehicle, two nights lodging, and meals, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Stephen J. Polzella and Thomas Dobrydney to attend the NYS GIS Conference in Lake Placid, NY from October 25-27, 2009 with all appropriate expenses to be allocated from the appropriate funds not to exceed \$700.00.

CARRIED: AYES: Manchester, Fairbrother, Balland, Hudock
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF JULY 8, 2009

RESOLUTION NO. 197-09
REIMBURSEMENT OF A \$10.00 PAVILION RESERVATION FEE APPROVED

Resolution by: Hudock
Seconded by: Fairbrother

WHEREAS the Department of Public works received \$10.00 on May 26, 2009 from Joann Schucker to reserve Cooper Pavilion for June 28, 2009, and

WHEREAS the condition of the pavilion on June 28, 2009 was not suitable for a picnic and needed to be thoroughly cleaned just prior to the picnic, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Commissioner of Public Works, reimburses Joann Schucker the reservation fee in the amount of \$10.00.

CARRIED: AYES: Manchester, Fairbrother, Balland, Hudock
NAYS: None ABSENT: Smith

RESOLUTION NO. 198-09
PART-TIME GARDENER (CUSTODIAN) FOR THE TOWN COMPLEX APPOINTMENT
APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board has determined the necessity to hire a part-time gardener (custodian) for a maximum of 20 hours per week for the Town Hall Complex, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby appoints Deborah A. Prince, 547 Eachers Hollow Rd, Horseheads, NY 14845, as a Gardener (Custodian), Part-time at the rate of \$8.50 per hour not to exceed 20 hours per week, with a start date of July 9, 2009.

CARRIED: AYES: Manchester, Fairbrother, Balland, Hudock
NAYS: None ABSENT: Smith

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session to update the Town Board on a particular personnel matter. All in favor, except Councilperson Smith was absent, motion carried.

MINUTES OF TOWN BOARD MEETING OF JULY 8, 2009

CORRESPONDENCE

2008 Annual Report & Community Benefit Plan/St. Joseph's. The 2008 Annual Report and Community Benefit Plan was received from Sister Marie Castagnaro, President/CEO of St. Joseph's.

Steve Polzella, Director of Planning advised the Town Board that the following meetings are scheduled; July 24, 2009 at 10:00 a.m. the Zoning Committee will meet to discuss the Sign Law and July 28, 2009 Behan Associates will be doing a presentation for the Zoning Board of Appeals.

Supervisor Balland reported the next Highway Shared Service meeting is scheduled for August 19, 2009 at 12:30 p.m. in the Community Center. On July 30, 2009 there will be a meeting on Consolidation of Assessing within the Towns of Catlin, Horseheads and Big Flats.

The Town Board entered into Executive Session at 4:45 p.m.

Supervisor Balland reconvened the Town Board meeting at 5:00 p.m.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to adjourn the Town Board meeting at 5:01 p.m. All in favor, except Councilperson Smith was absent, motion carried.

Date approved: _____

Sheree C. McGannon
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF JULY 22, 2009

PRESENT: Supervisor Mary Ann Balland
 Council David Manchester
 Edward Fairbrother
 Marcia Hudock
 Attorney Thomas Reed
 Deputy Town Clerk Sheree McGannon

ABSENT: Council Mike Smith

REPORTS

Supervisor Balland called the Town Board meeting of July 22, 2009 to order at 7:00 p.m. and requested participation in the pledge of allegiance.

Supervisor Balland offered the following reports:

- July 23, 2009 at 11:00 a.m. is the dedication of the Boat Launch;
- Budget Sheets have been handed out and meetings with department heads will begin the last week in August;
- The soccer league is meeting with the Town regarding their shortage of fields;
- A replacement for the Town Historian has not been found and an ad will be added to the next Town newspaper.

Councilperson Hudock reported construction of the new sign at Sperr Memorial Park has begun.

CONCERNS OF THE PEOPLE

Mark Fleisher, 3 Lloyd Drive, expressed his concerns regarding the Town's policy on use of the parks during summer TAFFY. He and his grandchildren were asked to leave a public park because the TAFFY program was using the park and he would like the Town Board to reconsider this policy.

Supervisor Balland explained that the policy is in place to protect the children who are enrolled in the TAFFY program. The Town is responsible for the safety of these kids. There are 14 parks in the Town and 5 sites are used for 24 days of the summer, during those days people are asked to use the other parks. There is ongoing discussion on this policy.

Marge Tremaine, Youth Services Coordinator for the Town of Big Flats, explained that they have been advertising the rules and that signs are posted at the parks to make people more aware of the policy. Counselors have been providing flyers to the public with information on the other parks, the equipment available at those parks and the dates when TAFFY is not using the park. The policy is in place for the protection of the children in the program.

Kate Fleisher, 3 Lloyd Drive, stated there is a difference between an adult alone in the park and an adult male accompanied by preschool age children, some people can't drive to another park and the counselors should be able to use common sense and their discretion on who should be allowed to stay and use the park.

MINUTES OF TOWN BOARD MEETING OF JULY 22, 2009

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to approve the minutes of June 24, 2009 as presented. All in favor, except Councilperson Smith was absent.

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to approve the minutes of June 26, 2009 as presented. All in favor, except Councilperson Smith was absent.

Councilperson Hudock made a motion, seconded by Councilperson Manchester, to approve the minutes of July 8, 2009 as presented. All in favor, except Councilperson Smith was absent.

OLD BUSINESS

RESOLUTION NO. 199-09 INSTALLATION OF A SECURITY PROGRAM FOR THE MUNICIPAL COMPLEX APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Town Board acknowledges the necessity to install a security system for the Town Municipal Complex, and

WHEREAS said quotes were solicited for purchase of equipment and installation as follows:

Eagle Eye Securities:	\$12,228.00
Teledair Communications and Security, Inc:	\$13,490.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Eagle Eye Securities to install the security system for the Town's Municipal Campus for a total not to exceed \$12,228.00

CARRIED: AYES: Manchester, Fairbrother, Balland, Hudock
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF JULY 22, 2009

NEW BUSINESS

RESOLUTION NO. 200-09
VOID CHECK #7521 APPROVED

Resolution by: Hudock
Seconded by: Balland

WHEREAS due to incorrect coding, check #7521 was issued in error to Custom Builders, and

WHEREAS a memorandum was received from the Bookkeeper, dated July 10, 2009, requesting authorization to void check #7521 in the amount of \$1,105.00 payable to Custom Builders, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check #7521, dated June 26, 2009 payable to Custom Builders.

CARRIED: AYES: Manchester, Fairbrother, Balland, Hudock
NAYS: None ABSENT: Smith

RESOLUTION NO. 201-09
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for July 2009, vouchers 8692 – 8800, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 61,488.13
HIGHWAY FUND	\$310,523.41
WATER DISTRICT #1	\$ 5,457.69
WATER DISTRICT #2	\$ 25,203.37
WATER DISTRICT #3	\$ 9,706.86
WATER DISTRICT #4	\$ 223.53
TRUST & AGENCY	\$ 1,636.19
CAPITAL PROJECT #11	\$ 44,317.50
CAPITAL PROJECT #6	\$ 41,665.96
CAPITAL PROJECT #8	\$ 1,976.25

CARRIED: AYES: Manchester, Fairbrother, Hudock NAYS: None
ABSTAIN: Balland ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF JULY 22, 2009

RESOLUTION NO. 202-09
TOWN BOARD MEETING TIME CHANGE FOR AUGUST 12, 2009 TO 4:00 P.M.
APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board has determined the meeting time for August 12, 2009 needs to be changed to allow a presentation by Steve Polzella on the proposed Sign Law, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board modifies the time of the August 12, 2009 meeting to 4:00 p.m.

CARRIED: AYES: Manchester, Fairbrother, Balland, Hudock
NAYS: None ABSENT: Smith

CORRESPONDENCE

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated July 1, 2009, providing the Town Board with a list of expiring and added programs.

Stipulation of Discontinuance/Lippman O'Connor. A copy of the Stipulation of Discontinuance regarding Ruggiero vs. The Town of Big Flats, dated June 26, 2009, was received from Christopher Duggan of Lippman O'Connor, Staff Counsel for Selective Insurance Company.

Pool Shared Service Program/Village of Horseheads. A letter and invoice was received from Nathan Nagle, Director of Recreation for the Village of Horseheads, dated July 10, 2009, providing information on the pool shared service program.

Supervisor Balland reminded the Town Board of the upcoming meeting on Shared Services for Assessment.

Councilperson Hudock acknowledged the presence of Teresa Dean and thanked her for the many years of service she provided to the Town of Big Flats.

Gary Bernhardt, 809 Harris Hill Road, thanked the Town Board on behalf of the senior citizens for providing the bus for the trip to Saratoga.

Kyle Rivera, Counselor for summer TAFFY, thanked the Town Board for purchasing the signs for the parks.

MINUTES OF TOWN BOARD MEETING OF JULY 22, 2009

Jane King, 15 Kelley Drive, stated the New York State Police have been enforcing the speed limit on Olcott Drive South but there are still cars exceeding the set limit.

Larry Wagner, Commissioner of Public Works, reported the road paving is coming to completion.

Gary Bernhardt, 809 Harris Hill Road asked when Halderman Hollow Road would be repaired and Mr. Wagner advised him it was completed today.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 7:28 p.m. All in favor, except Councilperson Smith was absent, motion carried.

Date approved: _____

Sheree C. McGannon
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF AUGUST 12, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	Marcia Hudock
		Edward Fairbrother
		Mike Smith
	Attorney	Thomas Reed
		Thomas Bowes
	Clerk (Sub.)	Deanne Williams
ABSENT:	Council	David Manchester
	Deputy Town Clerk	Sheree McGannon

Supervisor Balland called the Town Board meeting of August 12, 2009 to order at 4:00 p.m.

PRESENTATION:

Steve Polzella, Director of Planning, explained the proposed Sign Law to the Town Board. Discussion was held as to how the zoning amendment would affect the businesses and residents of Big Flats.

REPORTS

Supervisor Balland stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's; Ag & Markets; SPCA Report; Supervisor Fund Balance;
Assessor's Annual Report; Community Center; Department of Public Works.

CONCERNS OF THE PEOPLE

Gary Barnhardt of 809 Harris Hill Rd. stated that he enjoyed a very nice bus trip to Lockport with a canal boat ride through two locks.

Supervisor Balland expressed her appreciation of what a good job Al and Linda Redner do in organizing and conducting the trips and also the fine job Linda Patrick is doing with the Summer Market.

William Owens of Owens Heating expressed concern regarding backflow prevention regulations for commercial buildings as opposed to residential. The Town Supervisor stated she would pass on these concerns to the Commissioner of Public Works and the Water Department.

Mr. Owens also stated the Olcott Road paving project took too long.

Angela Piersimoni stated that Orchard Drive was recently oiled and stoned and the road is still a mess with loose stones. She also indicated that Winters Road needs work done.

MINUTES OF TOWN BOARD MEETING OF AUGUST 12, 2009

OLD BUSINESS

RESOLUTION NO. 203-09

SUMMER T.A.F.F.Y. EMPLOYEES SALARY AMENDMENT APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Town Board adopted Resolution No. 151-09 appointing Summer T.A.F.F.Y. employees for 2009, and

WHEREAS the Federal Government, effective July 24, 2009, increased the minimum wage requirements, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board amends Resolution No. 151-09, effective July 24, 2009, to reflect the new salaries for the following employees:

Jessica Carlson	30 Easterbrook Drive W, HH	\$7.25/hour
Julianne Caruso	45 Anncox Lane, HH	\$7.25/hour
Kyle Cross	352 Chambers Road, HH	\$7.25/hour
Eric Garrison	56 Churchill Place, BF	\$7.25/hour
Ashley Hutten	57 Woodland Drive, BF	\$7.25/hour
Kevin Smith	6 Belaire Drive, HH	\$7.25/hour

CARRIED: AYES: Fairbrother, Hukock, Smith, Balland

NAYS: None

ABSENT: Manchester

NEW BUSINESS

RESOLUTION NO. 204-09

LAW OFFICES OF THOMAS W. REED II, PLLC CONTRACT APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the Town of Big Flats has received a Tax Certiorari for assessment for the Lowe's Home Centers, Inc. commercial property, and

WHEREAS representation of said petition is outside the general employment parameters for the Attorney for the Town, and

MINUTES OF TOWN BOARD MEETING OF AUGUST 12, 2009

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board contracts with the Law Offices of Thomas W. Reed II, PLLC to represent the Town of Big Flats in defense for the Article 7 of Real Property Tax Law of the Assessments – Petition at the rate of \$90.00 per hour, which is outside the general employment parameters.

CARRIED: AYES: Fairbrother, Hudock, Smith, Balland
NAYS: None
ABSENT: Manchester

RESOLUTION NO. 205-09
ATTENDANCE TO THE NY PLANNING FEDERATION CONFERENCE
APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS a request was signed by the Town Supervisor from the Department of Planning to attend the Annual Conference of the NY Planning Federation from September 13-15, 2009, and

WHEREAS the conference request includes the conference registration, use of a town vehicle, two nights lodging, and five meals not covered by the conference registration, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Stephen J. Polzella and Thomas Dobrydney to attend the Annual Conference of the NY Planning Federation from September 13-15, 2009 with all expenses to be allocated from the appropriate funds.

CARRIED: AYES: Fairbrother, Smith, Hudock, Balland
NAYS: None
ABSENT: Manchesster

MINUTES OF TOWN BOARD MEETING OF AUGUST 12, 2009

RESOLUTION NO. 206-09
PUBLIC HEARING ON THE PROPOSED ZONING AMENDMENT APPROVED

Resolution by: Hudock
Seconded by: Fairbrother

WHEREAS the Town of Big Flats Planning Board has recommended a Zoning Amendment through Resolution P-2009-61, and

WHEREAS the Town of Big Flats Department of Planning staff have reviewed the comprehensive plan and found reasonable facts to support said Zoning Amendment, and

WHEREAS the Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment, and

WHEREAS Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Planning Board to recommend amending the requirements in the BFZL, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for August 26, 2009 at 7:02 p.m. on the proposed Zoning Amendment.

CARRIED: AYES: Fairbrother, Smith, Hudock, Balland
NAYS: None
ABSENT: Manchester

RESOLUTION NO. 207-09
TOWN HISTORIAN APPOINTMENT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board accepted the resignation of E.R.Van Etten as Town Historian for the Town of Big Flats on June 24, 2009, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF AUGUST 12, 2009

BE IT THEREFORE RESOLVED the Town Board appoints Carol L. Christian, 73 Carpenter Road, Elmira, Town Historian, at \$350.00 for the remainder of 2009.

CARRIED: AYES: Fairbrother, Smith, Hudock, Balland
NAYS: None
ABSENT: Manchester

RESOLUTION NO. 208-09
TAX COLLECTION SOFTWARE PURCHASE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS Williamson Law Book Company, 790 Canning Parkway, Victor, NY 14564, has provided the Town with a quote for the purchase of Tax Collection Software Conversion including installation, training and mileage, and

WHEREAS the Town Tax Collector currently operates an older DOS version of the Tax Collection Software, and

WHEREAS the Town Board recognizes that upgrading the software would be beneficial to the Town, now

BE IT THEREFORE RESOLVED the Town Board authorizes the purchase of Tax Collection Software Conversion including installation, training, mileage from Williamson Law Book Company for the amount not to exceed \$855.00, and

FURTHER RESOLVED the Town Board authorizes the purchase of a flat screen monitor for the Tax Collector for an amount not to exceed \$300.00.

CARRIED: AYES: Fairbrother, Smith, Hudock, Balland
NAYS: None
ABSENT: Manchester

RESOLUTION NO. 209-09
CORNING COMMUNITY COLLEGE CLASS ATTENDANCE APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS a request has been submitted by Timothy Gilbert, dated August 5, 2009, requesting authorization to attend a Principles of Business and a College Composition II course offered by Corning Community College, and

MINUTES OF TOWN BOARD MEETING OF AUGUST 12, 2009

WHEREAS the courses are beneficial to the job performed by Mr. Gilbert and consists of 6 credit hours, and

WHEREAS said courses do not require using a town vehicle, lodging or meals, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Timothy Gilbert to attend a Principles of Business and a College Composition II course offered by Corning Community College and permits the reimbursement of said funds as outlined in the Town of Big Flats Employee Handbook and Resolution No. 202-01.

CARRIED: AYES: Fairbrother, Smith, Hudock, Balland
NAYS: None
ABSENT: Manchester

RESOLUTION NO. 210-09
PART TIME SUMMER MARKET MANAGER APPOINTMENT APPROVED

Resolution by: Hudock
Seconded by: Fairbrother

WHEREAS the Town of Big Flats holds a Summer Market on Tuesdays during the months of June, July, August and September, and

WHEREAS the Director of Recreation has determined there is a need for a part time Summer Market Manager to oversee the operation of the market for the year 2009, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Linda Patrick as part time Summer Market Manager, at the rate of \$10.00 per hour for an amount not to exceed \$1500.

CARRIED: AYES: Fairbrother, Smith, Hudock, Balland
NAYS: None
ABSENT: Manchester

MINUTES OF TOWN BOARD MEETING OF AUGUST 12, 2009

RESOLUTION NO. 211-09
TIMBER HARVESTING PERMIT ON PROPERTY OWNED BY DAVID AND
AUDREY MANCHESTER APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS a Timber Harvesting Application has been received from Double Aught Lumber Company to harvest 56,310 board feet of timber from approximately 27 acres of land, and

WHEREAS the Town Board finds this action to be an Unlisted Action Under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will begin in September of 2009;
2. The skid roads are existing and all water bars will be maintained during and after the harvest. No new skid rows will be added.
3. The landing areas and all skid roads will be smoothed and free of debris, also the landing and skid roads will be seeded with a conservation mix after the harvest is complete, now

BE IT THEREFORE RESOLVED the application for a timber harvesting permit submitted by Double Aught Lumber Company is approved as follows:

1. The logging operation, as proposed will involve trucks using Beacon Lane, Ponderosa Drive, Co. Rte 17, Co. Rt 63 co. Rte 35, to Interstate 86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield;
2. The transport of logs may only occur between the hours of 9:00am to 7:00pm daily with the exception that on days public schools are in session the transport of logs may not occur between the hours of 1:30 and 4:30PM.
3. All roads shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and must be cleaned when required by the Code Enforcement Officer as a result of any inspections.

Prior to Obtaining Permit

4. A performance guarantee in the form of a certified check for \$810 must be posted with the Code Enforcement Office before any timber harvesting may begin. The performance guarantee will be returned upon the satisfactory completion of all logging operations, compliance with conditions of this resolution, and a final inspection of the timber harvesting site by the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.

Prior to any Logging Operations

5. Proof of Vehicle, General Liability, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and for property damage of \$250,000 for logging operations, unless authorized by the Town Board and the Town Attorney. The Town of Big Flats must be listed as an additional insured and said proof must be filed with the Code Enforcement Office at least 48 hours before commencing any logging operations. Said proof of insurance must be approved by the Town Attorney prior to commencement of work.

MINUTES OF TOWN BOARD MEETING OF AUGUST 12, 2009

6. Notification, in the form of a letter and a copy of the map showing the approved logging area must be provided to all abutters.

During Harvesting Activity

7. The logger shall notify the Code Enforcement Officer within five days of completion to Coordinate onsite inspections.
8. The logging site shall be subject to periodic inspections by the Code Enforcement Officer, and Chemung County Soil & Water Conservation Service Representatives at any time during the course of the operation. These inspections will be done between 10:00am and 4:00pm.

CARRIED: AYES: Fairbrother, Smith, Hudock, Balland

NAYS: None

ABSENT: Manchester

EXECUTIVE SESSION: Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to enter into Executive Session to discuss a personnel matter and a proposed litigation matter. All in favor, except Councilperson Manchester was absent, motion carried.

CORRESPONDENCE

Elmira-Chemung Transportation Council. Memo, dated May 29, 2009 from Peter White, Secretariat was received with the Meeting Minutes of March 12, 2009 Policy/Planning Committees.

Lowe's Home Centers, Inc. Notice of Petition was received dated July 9, 2009 in the matter of Lowe's Home Centers, Inc.

Small Claims Assessment Review. Claim from Paul & Nancy Reidy of 260 Breed Hollow Road dated July 21, 2009 was received.

Liquor License Renewal. A notice of renewal application form for Chili's Grill and Bar dated July 24, 2009 was received from Pepper Dining Inc.

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated August 1, 2009, providing the Town Board with a list of expiring and added programs.

The Town Board entered into Executive Session at 5:05 p.m.
Supervisor Balland reconvened the Town Board meeting at 5:25 p.m.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 5:30 p.m. All in favor, except Councilperson Manchester was absent, motion carried.

Date approved: _____

Deanne Williams
Clerk (Sub.)

MINUTES OF TOWN BOARD MEETING OF AUGUST 12, 2009

MINUTES OF TOWN BOARD MEETING OF AUGUST 26, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	David Manchester
		Mike Smith
	Attorney	Thomas Reed
	Deputy Town Clerk	Sheree McGannon
ABSENT:	Council	Edward Fairbrother
		Marcia Hudock

Supervisor Balland called the Town Board meeting of August 26, 2009 to order at 7:00 p.m. and requested participation in the pledge of allegiance.

Supervisor Balland reported several shared services meetings have been held regarding highway services and the Town of Big Flats and Town of Catlin are looking at a Consolidating Assessing Plan.

PUBLIC HEARING: 7:02 P.M. Zoning Law Amendment - Signs

Supervisor Balland called the public hearing to order and Attorney Reed read the legal notice duly advertised in the Elmira Star Gazette on August 17, 2009, which allowed and considered public comments on a proposed Town of Big Flats Zoning Amendment Local Law relating to signs.

IN FAVOR: None

OPPOSITION: Bill Owens of Owens Heating & Plumbing, 3129 State Route 352, disagreed with the restrictions on “crawler” or movement signs. He pointed out these LED style signs are used by businesses, schools and churches, they are economical to businesses because the message can be easily changed. He suggested allowing simple scrolling text signs.

Tom Gorman, 2445 State Route 352, stated he has a problem with the gap between the allowable size for a monument and freestanding signs. There is a gap between 8 feet and 12 feet where nothing is allowed. Mr. Gorman stated freestanding signs should start at 8 feet.

Tom Giles of Maple Valley Farms, 791 County Route 64, stated he agreed with Mr. Owens on the issue of electronically activated signs, they are informative and state of the art, there are examples in other surrounding areas where they are professionally done. Mr. Giles also stated that agricultural signage did not seem to be addressed and the Town should consider following the NYS Agriculture and Markets guidelines.

David Crocker, 8 Olcott Road South, stated he is against any changes to the law and feels these changes affect his free speech.

Chuck Annis, 547 Maple Street, stated he has concerns about residences next to businesses with lighted signs that are allowed to be on all night. He understands the Fire Department

MINUTES OF TOWN BOARD MEETING OF AUGUST 26, 2009

has an emergency need for lighting but the school and Town Hall should turn the lights off late at night. Mr. Annis questioned who would determine the untruthfulness of a sign and asked if the section where trailers and vehicles cannot be used as signs at a premises meant that Sears would not be allowed to deliver appliances because the truck advertises the business. He understands the intention but feels the wording needs to be specific.

COMMENTS: Tom Gorman, 2445 State Route 352, asked if the changes to the law would allow the Town banners on the utility poles?

Since there were no further comments, Supervisor Balland closed the Public Hearing at 7:14 p.m.

MINUTES

Councilperson Smith made a motion, seconded by Councilperson Manchester, to approve the minutes of July 22, 2009 as presented. All in favor, except Councilpersons Hudock and Fairbrother were absent.

Councilperson Manchester made a motion, seconded by Councilperson Smith, to approve the minutes of August 12, 2009 as presented. All in favor, except Councilpersons Hudock and Fairbrother were absent.

OLD BUSINESS

RESOLUTION NO. 212-09

SEWER DISTRICT NO. 1 RULES AND REGULATIONS APPROVED

Resolution by: Balland

Seconded by: Smith

WHEREAS the Town of Big Flats Sewer District No. 1 has been created and completed, and

WHEREAS the Town Board has determined that Sewer District No. 1 Rules and Regulations are necessary to maintain, use, operate, repair and/or reconstruct a sanitary sewer for the Town of Big Flats, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board adopts the Town of Big Flats Sewer District No. 1 Rules and Regulations.

CARRIED: AYES: Manchester, Smith, Balland
ABSENT: Hudock, Fairbrother

NAYS: None

MINUTES OF TOWN BOARD MEETING OF AUGUST 26, 2009

RESOLUTION NO. 213-09

SEWER DISTRICT NO. 1 APPLICATION FORM APPROVED

Resolution by: Manchester

Seconded by: Smith

WHEREAS the Town of Big Flats Sewer District No. 1 has been created and completed, and

WHEREAS the Town Board has determined that Sewer District No. 1 Rules & Regulations are necessary to maintain, use, operate repair and/or reconstruct a sanitary sewer for the Town of Big Flats, and

WHEREAS an application to permit sewer connection is necessary pursuant to the Local Sewer Use Law and Sewer District No. 1 Rules and Regulations for the operation and connection of the Sewer, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board adopts the Town of Big Flats Sewer District No. 1 Commercial/Residential Application Form for Sanitary Waste Permit.

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Hudock, Fairbrother

RESOLUTION NO. 214-09

PUBLIC HEARING FOR THE PROPOSED SCALE OF CHARGES FOR
SEWER DISTRICT NO. 1 APPROVED

Resolution by: Smith

Seconded by: Balland

WHEREAS the Town of Big Flats has established Sewer District No. 1 through Resolution 115-09, and

WHEREAS a Scale of Charges is required for the operation of Sewer District No. 1, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for September 9, 2009 at 4:32 p.m. on the proposed Scale of Charges for Sewer District No. 1.

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Hudock, Fairbrother

MINUTES OF TOWN BOARD MEETING OF AUGUST 26, 2009

RESOLUTION NO. 215-09

CONCESSION / RESTROOM CONCRETE FLOOR INSTALLATION APPROVED

Resolution by: Manchester

Seconded by: Smith

WHEREAS the Town Board determined the installation of restrooms and a concession stand for Community Park Extension are a needed capital project to be completed per resolution # 275-08, and

WHEREAS as part of that project, a concrete floor needs to be constructed and three quotes were solicited as follows:

ACP Architectural Concrete Plus:	\$10,680.00
Eugene Terwilliger Masonry Contractor:	\$ 9,600.00
William Wood Masonry, LLC:	\$ 8,222.00

WHEREAS William Wood Masonry submitted the lowest quote not to exceed \$8,222.00, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes William Wood Masonry, LLC to perform the installation of the concrete pad for the Concession and Restroom Project at Community Park Extension for a total not to exceed \$8,222.00.

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Hudock, Fairbrother

RESOLUTION NO. 216-09

CONCESSION / RESTROOM SUPPLIES PURCHASE APPROVED

Resolution by: Smith

Seconded by: Balland

WHEREAS the Town Board determined the installation of restrooms and a concession stand for Community Park Extension are a needed capital project to be completed per resolution # 275-08, and

WHEREAS as part of that project, a concrete block needs to be purchased for the construction, and

WHEREAS the estimate from Northern Concrete Block of Cortland, Inc. is \$6,500.00, and

MINUTES OF TOWN BOARD MEETING OF AUGUST 26, 2009

RESOLUTION NO. 216-09, CONCESSION / RESTROOM SUPPLIES PURCHASE
APPROVED continued

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the purchase of supplies from Northern Concrete Block of Cortland, Inc. for the Concession and Restroom Project at Community Park Extension for a total not to exceed \$6,500.00.

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None ABSENT: Hudock, Fairbrother

NEW BUSINESS

RESOLUTION NO. 217-09
TIMBER HARVESTING PERMIT ON LANDS OWNED BY TODD AND TIM
WILSONCROFT APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS a Timber Harvesting Application has been received from Todd J. Wilsoncroft and Tim J. Wilsoncroft to harvest 128,000 board feet of timber from approximately 85 acres of land, and

WHEREAS the Town Board finds this action to be an Unlisted Action Under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will begin in early September of 2009 and end in September 2010, excluding the wet seasons of spring and fall;
2. Existing skid roads will be reopened, utilized for timber removal, and put to bed properly after the skid harvest is complete. Water bars will be placed in the skid roads at distances less than those required by the Town Code. Where the property contains steep slopes, no haul roads or skid trails shall be constructed on such steep slopes, now

BE IT THEREFORE RESOLVED the application for a timber-harvesting permit submitted by Schaufler Forestry Services, LLC is approved as follows:

1. The logging operation, as proposed will involve trucks using Steege Hill Road, to County Route 10, to State Route 352, with an alternative route using Steege Hill Road, Route 225S, Route 352, and I86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield;
2. The transport of logs may only occur between the hours of 9:00am to 7:00pm daily with the exception that on days public schools are in session the transport of logs may not occur between the hours of 1:30pm and 4:30pm;
3. All roads shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed

MINUTES OF TOWN BOARD MEETING OF AUGUST 26, 2009

RESOLUTION NO. 217-09, TIMBER HARVESTING PERMIT continued

and must be cleaned when required by the Code Enforcement Officer as a result of any inspections;

Prior to Obtaining Permit

4. A performance guarantee in the form of a certified check for \$2500 must be posted with the Code Enforcement Office before any timber harvesting may begin. The performance guarantee will be returned upon the satisfactory completion of all logging operations, compliance with conditions of this resolution, and a final inspection of the timer harvesting site by the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary. Additionally, the landowner's forester will retain a performance bond in the amount of 10% of the sale amount to insure compliance with the timber sale contract independent of any Town requirements;

Prior to any Logging Operations

5. Proof of Vehicle, General Liability, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and for property damage of \$250,000 for logging operations, unless authorized by the Town Board and the Town Attorney. The Town of Big Flats must be listed as an additional insured and said proof must be filed with the Code Enforcement Office at least 48 hours before commencing any logging operations. Proof of insurance must be approved by the Town Attorney prior to commencement of work;
6. Notification, in the form of a letter and a copy of the map showing the approved logging area must be provided to all abutters;
7. Proof, in writing that an easement is in place with the neighboring landowner(s) in the area that will be used during the harvesting;

During Harvesting Activity

8. The logger shall notify the Code Enforcement Officer within five days of completion to coordinate onsite inspections;
9. The logging site shall be subject to periodic inspections by the Code Enforcement Officer and Chemung County Soil & Water Conservation Service Representatives at any time during the course of the operation. These inspections will be done between 10:00am and 4:00pm

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Hudock, Fairbrother

MINUTES OF TOWN BOARD MEETING OF AUGUST 26, 2009

RESOLUTION NO. 218-09

NYS FLOODPLAIN AND STORMWATER MANAGERS ASSOCIATION ANNUAL
CONFERENCE ATTENDANCE APPROVED

Resolution by: Balland

Seconded by: Manchester

WHEREAS a request was received from Tim Gilbert, Code Enforcement Officer for the Town of Big Flats to attend the Annual Conference of the NYS Floodplain and Stormwater Managers Association from September 21-23, 2009, and

WHEREAS the conference request includes the conference registration, lodging, and meals not covered by the conference registration, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Tim Gilbert to attend the Annual Conference of the NYS Floodplain and Stormwater Managers Association from September 21-23, 2009 with all expenses to be allocated from the appropriate funds.

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Hudock, Fairbrother

RESOLUTION NO. 219-09

ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Smith

Seconded by: Manchester

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for August 2009, vouchers 8801 – 8920, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 62,671.61
HIGHWAY FUND	\$121,099.30
WATER DISTRICT #1	\$ 5,193.03
WATER DISTRICT #2	\$ 5,341.41
WATER DISTRICT #3	\$ 44,978.24
WATER DISTRICT #4	\$ 4,429.65
LIGHTING DISTRICT	\$ 541.77
TRUST & AGENCY	\$ 589.19
CAPITAL PROJECT #11	\$ 2,359.32
CAPITAL PROJECT #6	\$ 336.40
CAPITAL PROJECT #8	\$ 752.47

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Hudock, Fairbrother

MINUTES OF TOWN BOARD MEETING OF AUGUST 26, 2009

RESOLUTION NO. 220-09

EMPIRE STATE COLLEGE ATTENDANCE APPROVED

Resolution by: Manchester

Seconded by: Smith

WHEREAS a request has been submitted by Michele Diliberto, dated August 12, 2009 requesting authorization to attend "Survey of Economics" offered by Empire State College, and

WHEREAS the course is beneficial for completion of an Associate's Degree related to the job performed for the Town of Big Flats and consists of (four) 4 credit hours, and

WHEREAS said course does not require using a town vehicle, lodging or meals, and,

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE the Town Board authorizes Michele Diliberto to attend the Survey of Economics course offered by Empire State College and permits reimbursement of said funds as outlined in the Town of Big Flats Employee Handbook and Resolution No. 202-01.

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Hudock, Fairbrother

CORRESPONDENCE

Property Assessment/Matthew J. Bothe. A letter was received from Matthew J. Bothe, dated August 3, 2009, disputing the assessed value of his property, Tax Map 58.01-1-55.18.

Justice Court Audit Request/NYS Unified Court System. A letter was received from Ann Pfau, Chief Administrative Judge for the State of New York Unified Court System, dated August 6, 2009, requesting a copy of the Town's most recent audit of Court records and resolution acknowledging the audit requirement.

WARN Informational Session/City of Corning. A letter was received from Thomas W. Reed II, Mayor and Mark L. Ryckman, City Manager for the City of Corning, dated August 7, 2009, advising the Town of a Water & Wastewater Agency Response Network informational session on Tuesday, August 25, 2009 at 5 p.m. at the Senior Center in Corning.

Councilperson Manchester reported Mr. Unger expressed his appreciation to the Highway crew for the work on the Yawger Creek area.

MINUTES OF TOWN BOARD MEETING OF AUGUST 26, 2009

CONCERNS OF THE PEOPLE

Jane King, 15 Kelley Drive, asked when Olcott Road South would be striped or delineated because cars are driving on the wrong side of the road. Larry Wagner reported striping of roads should begin soon and be completed in September and October.

Don Gaylord, 316 Reasor Hollow Road, asked if the Concrete Floor project for the concession stand was bid and for how much? Supervisor Balland stated bidding the project was not necessary and quotes were solicited, William Wood Masonry, LLC had the lowest quote for \$8222.00. Mr. Gaylord asked why local businesses were not asked to submit quotes. Supervisor Balland explained the employee who solicited the quotes was not present to ask which businesses were contacted.

Chuck Annis, 547 Maple Street, stated he was disturbed to hear a local Church was charged \$500.00 to set up a small building to collect clothing. Steve Polzella, Director of Planning, advised Mr. Annis that the vendor who set up the building, not the church paid the site plan review fees. Mr. Polzella further explained the current fee schedule does not recognize exceptions for non-profit or government agencies.

Since there was no further business to come before the Board, Supervisor Balland made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 7:30 p.m. All in favor, except Councilpersons Hudock and Fairbrother were absent, motion carried.

Date approved: _____

Sheree C. McGannon
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 9, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	David Manchester
		Mike Smith
	Attorney	Thomas Bowes
	Deputy Town Clerk	Sheree McGannon
ABSENT:	Council	Marcia Hudock
		Edward Fairbrother
	Attorney	Thomas W. Reed II

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

Supervisor Balland reported that a request for a business loan has been submitted and would be discussed at the next meeting. Supervisor Balland also reported the Town Board needs to make a decision on how to proceed with the Kahler Road brush site; a method for identifying residents with decals or coupons.

PUBLIC HEARING: 4:32 P.M. Sewer District No. 1 – Scale of Charges

Supervisor Balland called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on August 31, 2009, which allowed and considered public comments on the proposed Scale of Charges for Sewer District No. 1.

IN FAVOR:	None
OPPOSITION:	None
COMMENT:	None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:34 p.m.

REPORTS

Supervisor Balland stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's; Ag & Markets; SPCA Report; Supervisor Fund Balance; Assessor's Report; Community Center; Department of Public Works; Justice Court.

OLD BUSINESS

RESOLUTION NO. 221-09

INSTALLATION OF A SECURITY SYSTEM APPROVED

Resolution by: Manchester

Seconded by: Balland

WHEREAS Resolution No. 199-09 authorized Eagle Eye Securities to install the security system for the Town's Municipal Campus for a total not to exceed \$12,228.00, and

WHEREAS Eagle Eye Securities rescinded their quote, and

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 9, 2009

RESOLUTION NO. 221-09, INSTALLATION OF SECURITY SYSTEM continued

WHEREAS the need to install a security system for the Municipal Campus still exists and CPE Interlink submitted a quote including equipment, installation, training and warranties for an amount not to exceed \$13,724.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes CPE Interlink to install the security system for the Town's Municipal Campus for a total not to exceed \$13,724.00

CARRIED: AYES: Manchester, Smith, Balland
 NAYS: None ABSENT: Fairbrother, Hudock

RESOLUTION NO. 222-09
SANITARY SEWER DISTRICT NO. 1 SCALE OF CHARGES APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS the Town of Big Flats Sewer District No. 1 has been created and completed, and

WHEREAS the Town Board has determined that Sewer District No. 1 Scale of Charges are necessary to maintain, use, operate and/or repair the sanitary sewer for the Town of Big Flats, and

WHEREAS a public hearing was duly held on September 9, 2009 whereas all interested parties were duly heard, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board adopts the Town of Big Flats Sewer District # 1 Scale of Charges.

CARRIED: AYES: Manchester, Smith, Balland
 NAYS: None ABSENT: Fairbrother, Hudock

RESOLUTION NO. 223-09
PROPOSED ZONING AMENDMENT PUBLIC HEARING APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS the Town of Big Flats Planning Board has recommended a Zoning Amendment through Resolution P-2009-61, and

WHEREAS the Town of Big Flats Department of Planning staff have reviewed the comprehensive plan and found reasonable facts to support said Zoning Amendment, and

WHEREAS the Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment, and

WHEREAS Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Planning Board to recommend amending the requirements in the BFZL, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for September 23, 2009 at 7:02 p.m. on the proposed Zoning Amendment.

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother, Hudock

NEW BUSINESS

RESOLUTION NO. 224-09
GAMES OF CHANCE LICENSE APPROVED

Resolution by: Balland
Seconded by: Smith

WHEREAS the Big Flats American Legion submitted an application for a Games of Chance License, and

WHEREAS the Deputy Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (19) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 9, 2009

RESOLUTION NO. 224-09, GAMES OF CHANCE LICENSE continued

BE IT THEREFORE RESOLVED if a Findings and Determination for Games of Chance License finds the designated members conducting games of chance are of good moral character, the Town Board approves the Application for a Games of Chance License, dated September 1, 2009, from the Big Flats American Legion Post 1612 to perform a games of chance event as outlined in the application.

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother, Hudock

RESOLUTION NO. 225-09
WINTER TAFFY EMPLOYEES APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS the Big Flats Youth Services Department will be hosting the Winter TAFFY Program from September 23, 2009 through April 16, 2010, and

WHEREAS the Program Coordinator recommends the Town Board appoint the employees listed below, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints the following Winter TAFFY employees:

Calla Abrunzo	620 W. Broad Street, HH	\$7.25
Eric Garrison	56 Churchill Place, BF	\$7.25
Ashley Hutten	57 Woodland Drive, BF	\$7.25
Kathryn McCann	35 W. Easterbrook Drive, HH	\$7.25
Larie Wagner	19 Cayuga Drive, HH	\$7.25
Larissa Wagner	19 Cayuga Drive, HH	\$7.25
Jordan Yorio	6 Woods View Drive, Elmira	\$7.25

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother, Hudock

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 9, 2009

RESOLUTION NO. 226-09

JUSTICE COURT AUDIT ACKNOWLEDGEMENT APPROVED

Resolution by: Manchester

Seconded by: Smith

WHEREAS the Uniform Justice Court Act requires that Town Justices annually provide their records for examination or audit to the Town Board, and

WHEREAS the Town Board authorized the Town Supervisor to enter into an agreement with Richard McNeilly, Certified Public Accountant, for the purposes of conducting Town audits, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board acknowledges the Justice Court Audit completed by Richard McNeilly, CPA, on February 28, 2009 for the years 2007 and 2008, and

FURTHER RESOLVED the Town Board orders a copy be forwarded to the State of New York Office of Court Administration.

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Fairbrother, Hudock

RESOLUTION NO. 227-09

NEW YORK MUTUAL AID AGREEMENT FOR WATER/WASTEWATER PROVIDERS
APPROVED

Resolution by: Manchester

Seconded by: Smith

WHEREAS a Water and Wastewater Agency Response Network (WARN) is a network of utilities helping other utilities to respond to and recover from emergencies, and

WHEREAS the purpose of a WARN is to provide a method whereby water/wastewater utilities that have sustained or anticipate damages from natural or human-caused incidents can provide and receive emergency aid and assistance in the form of personnel, equipment, materials and other associated services as necessary from other water/wastewater utilities, and

WHEREAS the objective is to provide rapid, short term deployment of emergency services to restore the critical operations of the affected water/wastewater utility, and

WHEREAS the backbone of the WARN concept is the Mutual Aid and Assistance Agreement, and

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 9, 2009

RESOLUTION NO. 227-09, NEW YORK MUTUAL AID AGREEMENT continued

WHEREAS the participation is voluntary; there is no obligation to respond, and there is no direct cost to be a member of the network, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into the New York Mutual Aid and Assistance Agreement for Water/Wastewater Providers.

CARRIED: AYES: Manchester, Smith, Balland
 NAYS: None ABSENT: Fairbrother, Hudock

Supervisor Balland reported the Tentative Budget has been presented to the Town Board and is on file with the Town Clerk's Office.

RESOLUTION NO. 228-09
SPECIAL MEETING APPROVED

Resolution by: Balland
Seconded by: Smith

RESOLVE the Town Board sets a Special Town Board meeting for October 3, 2009 at 9:30 a.m. for the purpose of reviewing the proposed 2010 Budget.

CARRIED: AYES: Manchester, Smith, Balland
 NAYS: None ABSENT: Fairbrother, Hudock

CORRESPONDENCE

KVS Tax Billing/Chemung County Treasurer. A letter was received from Jennifer Furman, Deputy Treasurer for Chemung County, dated August 21, 2009, advising the Town that the County is converting to KVS tax billing and collection software.

Traffic Control Plan/Elmira Corning Regional Airport. A traffic control plan for the Elmira Corning Regional Airport, dated August 26, 2009, was submitted.

Committee Membership Request/STC Regional Planning & Development Board. A letter was received from Thomas McGarry, Economic Development/Conference Coordinator for Southern Tier Central Regional Planning & Development Board, dated August 27, 2009, inviting Stephen Polzella, Director of Planning for the Town of Big Flats, to serve as a member of their committee.

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated September 1, 2009, providing the Town Board with a list of expiring and added programs.

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 9, 2009

TAFFY Evaluations/Community Center. Evaluation Forms for the Summer TAFFY program were received from parents of children involved in the program.

CONCERNS OF THE PEOPLE: None

Since there was no further business to come before the Board, Councilperson Manchester made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 4:50 p.m. All in favor, except Councilpersons Hudock and Fairbrother were absent, motion carried.

Date approved: _____

Sheree McGannon
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 23, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	David Manchester
		Edward Fairbrother
		Marcia Hudock
	Deputy Town Clerk	Sheree McGannon

ABSENT:	Council	Mike Smith
	Attorney	Thomas Reed

Supervisor Balland called the Town Board meeting of September 23, 2009 to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

Supervisor Balland informed the Town Board that the Water Department was repairing a leak on Winters Road near Hammond Street and work would continue until the repairs were done. Several properties are without water and Winters Road between Hammond Street and County Route 64 was closed.

Steve Polzella, Director of Planning, gave a brief report on changes to the Sign Law and announced the proposed Zoning Law and Zoning map are on the Town of Big Flats website.

PUBLIC HEARING: 7:07 P.M. Zoning Law Amendment - Signs

Supervisor Balland called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on September 14, 2009, which allowed and considered public comments on a proposed Town of Big Flats Zoning Amendment Local Law relating to signs.

IN FAVOR:	None
OPPOSITION:	None
COMMENT:	None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 7:09 p.m.

Supervisor Balland reported the Town received a notice on retirement contributions and it has increased to \$157,367.00. Health insurance has been increased by twenty percent but the Board is budgeting for a tax rate of 2.69 with a one percent increase in the levy.

CONCERNS OF THE PEOPLE

Gary Bernhardt, 809 Harris Hill Road, thanked the Town Board for another good bus trip.

Councilperson Fairbrother received complaints from residents of Carson Drive about having the speed limit lowered on their road and requested the Town contact the Sheriff's Department about a flashing speed sign.

MINUTES

Councilperson Fairbrother made a motion, seconded by Supervisor Balland, to approve the minutes of August 26, 2009 as presented. All in favor, except Councilperson Smith was absent.

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 23, 2009

Councilperson Manchester made a motion, seconded by Councilperson Hudock, to approve the minutes of September 9, 2009 as presented. All in favor, except Councilperson Smith was absent.

OLD BUSINESS

RESOLUTION NO. 229-09
DIRECTOR OF PLANNING SALARY INCREASE APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS Stephen Polzella, Director of Planning has satisfactorily completed his civil service probationary period effective August 11, 2009, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves that Stephen Polzella, Director of Planning, be given a salary increase of Seven Hundred Fifty Dollars (\$750.00) effective August 12, 2009.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 230-09
PLANNER SALARY INCREASE APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS Thomas Dobrydney, Planner for the Town of Big Flats has satisfactorily completed his civil service probationary period effective August 21, 2009, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves that Thomas Dobrydney, Planner, be given a salary increase of Seven Hundred Fifty Dollars (\$750.00) effective August 22, 2009.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 23, 2009

RESOLUTION NO 231-09
LOCAL LAW NO. 4 OF 2009 APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town of Big Flats Planning Board has recommended a Zoning Amendment through Resolution P-2009-61, and

WHEREAS the Town of Big Flats Department of Planning Staff has reviewed the comprehensive plan and found reasonable facts to support said Zoning Amendment, and

WHEREAS the Town Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment, and

WHEREAS the Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Planning Board to recommend amending the requirements in the BFZL, and

WHEREAS the Chemung County Planning Board has reviewed the amendment as per General Municipal Law 239-m and returned the amendment for local determination, and

WHEREAS the Town Board has determined the project to be an unlisted action and has completed the SEQRA review as the Lead Agency, and

WHEREAS a public hearing was duly held on September 23, 2009 whereat all interested parties were duly heard, now

BE IT THEREFORE RESOLVED the Town Board hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, the proposed Unlisted Action will not have significant adverse environmental effect and preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration, and

FURTHER RESOLVED the Town Board has relied upon the facts and information contained in its record file regarding the proposal, in making the above SEQR determination of non-significant adverse environmental effect (Negative Declaration), and

FURTHER RESOLVED the Town Board approves the Sign Law Zoning Amendment titled Local Law #4 of 2009, Zoning Amendment and the Town Clerk shall file the same with the Department of State.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 23, 2009

NEW BUSINESS

RESOLUTION NO. 232-09
BOARD OF ASSESSMENT REVIEW APPOINTMENT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS Jane King's term as a member of the Board of Assessment Review will expire effective September 30, 2009, and

WHEREAS Ms. King had expressed interest in continuing to serve on the Board of Assessment Review, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Jane King, 15 Kelley Drive, Big Flats to the Board of Assessment Review effective October 1, 2009 with a term ending September 30, 2014.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 233-09
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for September 2009, vouchers 8921 – 9018, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 51,226.85
HIGHWAY FUND	\$108,501.77
WATER DISTRICT #1	\$ 5,262.83
WATER DISTRICT #2	\$ 5,948.50
WATER DISTRICT #3	\$ 1,952.07
WATER DISTRICT #4	\$ 193.34
TRUST & AGENCY	\$ 496.19
CAPITAL PROJECT #6	\$ 63,908.74
LIGHTING DISTRICT	\$ 585.92

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 23, 2009

RESOLUTION NO. 234-09
KEN LORSON REVOLVING LOAN FUND APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town Board had established a Committee for the purpose of reviewing applications presented for the Revolving Loan Fund, and

WHEREAS an application was received by Ken Lorson of Ken's Service Center, 100 Canal Street, Big Flats 14814 for the installation of Car and Animal Wash Bays, for the purpose of applying for a loan, and

WHEREAS the Revolving Loan Fund Committee reviewed said application and provided a recommendation that the Town Board approve a loan, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves a loan from the Revolving Loan Fund to Ken Lorson for the purchase of auto and animal wash equipment and building installation at 100 Canal Street, Big Flats in the amount of \$60,000 for the period of seven (7) years at an interest rate of three and a quarter percent (3.25%), and

FURTHER RESOLVED that this approval is conditioned upon the securing of a first mortgage interest on Mr. Lorson real property located at 26 Taylor Street, Corning and vacant land on Davenport Road, Big Flats, and

FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to execute any and all documents with Ken Lorson to complete such loan transaction, contingent upon the review and approval of the Attorney for the Town all fees attributed to the Attorney for the Town should be paid by the applicant.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 235-09
GENERAL PENALTIES AMENDMENT PUBLIC HEARING APPROVED

Resolution by: Fairbrother
Seconded by: Balland

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law for an amendment to the General Violations and Penalties section of the Town Code, and

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 23, 2009

RESOLUTION NO. 235-09, GENERAL PENALTIES PUBLIC HEARING continued

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a public hearing for October 14, 2009 at 4:40 p.m. to hear comments regarding proposed Local Law No. 5 of 2009 titled "Town of Big Flats General Penalties Amendment".

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 236-09
STIPEND FOR THE DEPUTY TOWN CLERK APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board recognizes the additional work demands placed on the Deputy Town Clerk to fulfill the vacancy caused by the resignation of the Town Clerk, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes a stipend of one thousand dollars (\$1000.00) a month to be paid to the Deputy Town Clerk for October 2009 through December 2009, payable by separate check the last pay date of each month.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 237-09
PART TIME CUSTODIAN APPOINTMENT APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Director of Recreation has determined the necessity to hire an additional part time custodian for a maximum of 20 hours per week for the Community Center, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 23, 2009

RESOLUTION NO. 237-09, PART TIME CUSTODIAN APPOINTMENT continued

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Director of Recreation, hereby appoints John Harter, 209 Leisure Lane, Horseheads, NY 14845, as a Custodian, part time at the rate of \$7.50 per hour not to exceed 20 hours per week effective September 24, 2009.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 238-09
GALUSHA GARDENS AGREEMENT APPROVED

Resolution by: Hudock
Seconded by: Fairbrother

WHEREAS the Director of Recreation has determined and recommended that landscaping is needed to provide screening of the sewer pump station and complete the Community Center grounds,

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service agreement with Christopher Galusha of Galusha Gardens for the purpose of providing such landscaping at a cost not to exceed \$3200.00, monies to be taken from the Big Flats Community Center Donations Account, in accordance with the terms and conditions of the agreement submitted herewith.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

CORRESPONDENCE

Roof Raising Ceremony/Park Terrace Apartments Associates, L.P. An invitation was received from Park Terrace Apartments Associates, L.P. announcing the Roof Raising Ceremony and Reception for Park Terrace Congregate Apartments located at 1281 Pennsylvania Avenue, Pine City on September 23, 2009 at 11:00 am.

2010 Census Grant Program/State of New York Department of State. A letter was received from Lorraine Cortes-Vazquez, Secretary of State for the State of New York, dated September 14, 2009, soliciting grant applications for the New York Census Complete Count Grant program.

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 23, 2009

Notice of Agreement Termination/Town of Horseheads. A letter was received from Michael W. Edwards, Town Supervisor for the Town of Horseheads, dated September 16, 2009, terminating the Shared Service agreement with the Town effective December 31, 2009.

Returnable Beverage Container Act/Coca-Cola Enterprises, Inc. A letter was received from Brian Wynne, Vice President and General Manager and Jim Brennan, Vice President of Sales for Eastern U.S. Business Unit of Coca-Cola Enterprises, Inc., dated September 8, 2009, advising of changes in fees due to government mandated increased fee and handling requirements.

Supervisor Balland reminded the Town Board they need to decide if they are moving ahead with the shared service for assessing with the Town of Catlin.

Supervisor Balland adjourned the Town Board meeting at 7:24 p.m.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 7:25 p.m.

NEW BUSINESS

RESOLUTION NO. 239-09

SPECIAL ASSESSMENT FOR WATER DISTRICT #2 PUBLIC HEARING APPROVED

Resolution by: Manchester

Seconded by: Hudock

WHEREAS Water District #2 has incurred capital expenses for various capital improvements for the district in the past; and

WHEREAS Water District No. 2 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2010 Special Assessment roll for Water District #2 has been completed and filed with the Town Clerk on September 18, 2009, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of a public hearing in the matter of the 2010 Special Assessment Roll for Water District #2 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 14, 2009, at 4:32 p.m. local time, and

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 23, 2009

RESOLUTION NO. 239-09, SPECIAL ASSESSMENT WD #2 continued

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 240-09

SPECIAL ASSESSMENT FOR WATER DISTRICT #3 PUBLIC HEARING APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS Water District #3 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District No. 3 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2010 Special Assessment roll for Water District #3 has been completed and filed with the Town Clerk on September 18, 2009, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2010 Special Assessment Roll for Water District #3 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 14, 2009, at 4:34 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 23, 2009

PROPOSED RESOLUTION NO. 241-09

SPECIAL ASSESSMENT FOR WATER DISTRICT #4 PUBLIC HEARING APPROVED

Resolution by: Hudock

Seconded by: Fairbrother

WHEREAS Water District #4 has incurred capital expenses for various capital improvements for the district in the past; and

WHEREAS Water District No. 4 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements; and

WHEREAS the 2010 Special Assessment roll for Water District #4 has been completed and filed with the Town Clerk on September 18, 2009 and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll.

NOW THEREFORE BE IT RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2010 Special Assessment Roll for Water District #4 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 14, 2009, at 4:36 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Balland

NAYS: None

ABSENT: Smith

Supervisor Balland announced that Jay Boudreau, Water Department Supervisor, submitted his resignation and accepted a position with the Elmira Water Board.

Councilperson Fairbrother made a motion, seconded by Councilperson Hudock to adjourn the Water Board meeting at 7:28 p.m. All in favor, except Councilperson Smith was absent. Motion carried

Date approved: _____

Sheree C. McGannon
Deputy Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF OCTOBER 3, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	Edward Fairbrother
		Marcia Hudock
		David Manchester
ABSENT:	Council	Mike Smith
	Attorney	Thomas Reed II
	Deputy Town Clerk	Sheree McGannon

Supervisor Balland called the Special Town Board meeting to order at 9:30 a.m. and explained that the purpose of the meeting was to review the 2010 proposed budget.

EXECUTIVE SESSION. Councilperson Manchester made a motion, seconded by Councilperson Hudock, to enter into Executive Session to discuss a particular personnel matter and purchase of property. All in favor, except Councilperson Smith was absent, motion carried.

The Town Board entered into Executive Session at 10:42 a.m.

Supervisor Balland reconvened the Town Board meeting at 12:29 p.m.

Since there was no further business to come before the Town Board, the meeting was adjourned at 12:30 p.m. All in favor, except Councilperson Smith was absent. Motion carried.

Date approved: _____

Transcribed by:
Sheree C. McGannon
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	David Manchester
		Mike Smith
		Edward Fairbrother
		Marcia Hudock
	Attorney	Thomas Bowes
	Deputy Town Clerk	Sheree McGannon
ABSENT:	Attorney	Thomas W. Reed II

Supervisor Balland called the Water Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance. Supervisor Balland announced that Congressman Eric Massa's Office is planning to visit the Town of Big Flats on October 22, 2009 to discuss stimulus money for proposed water projects.

PUBLIC HEARING: 4:32 p.m. Water District #2 Special Assessment

Supervisor Balland called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on September 28, 2009, which allowed and considered public comments regarding the proposed Water District #2 Special Assessment.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:33 p.m.

PUBLIC HEARING: 4:34 p.m. Water District #3 Special Assessment

Supervisor Balland called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on September 28, 2009, which allowed and considered public comments regarding the proposed Water District #3 Special Assessment.

IN FAVOR: None
OPPOSITION: None
COMMENTS: William Herliman, 27 Bell Lane, asked if the water project is complete and asked for clarification on why he is paying for the project?

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:35 p.m.

Supervisor Balland requested Larry Wagner, Commissioner of Public Works, answer questions. Mr. Wagner explained the Sing Sing Loop project began two years ago and is complete; it is now time to pay back the bond which is divided among all properties in Water District #3. Mr. Wagner further explained the boundaries of the water districts.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

PUBLIC HEARING: 4:39 p.m. Water District #4 Special Assessment

Supervisor Balland called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on September 28, 2009, which allowed and considered public comments regarding the proposed Water District #4 Special Assessment.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:40 p.m.

Craig Stowell, 458 Hickory Grove Road, asked when the 40-year bond for upgrading the system in Water District #3 would be paid in full. Mr. Wagner stated in 2020 the bond will be paid.

OLD BUSINESS

RESOLUTION NO. 242-09

WATER DISTRICT #2 SPECIAL ASSESSMENT APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #2 and filed the same with the Town Clerk of the Town of Big Flats on September 18, 2009, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #2 consists of 1052 units with a unit charge for 2010 Water District #2 Special Assessment of approximately \$18.69, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 14, 2009, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

RESOLUTION NO. 242-09, WATER DISTRICT #2 SPECIAL ASSESSMENT continued

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 243-09
WATER DISTRICT #3 SPECIAL ASSESSMENT APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #3 and filed the same with the Town Clerk of the Town of Big Flats on September 18, 2009, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #3 consists of 477 units with a unit charge for 2010 Water District #3 Special Assessment of approximately \$110.10, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 14, 2009, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

RESOLUTION NO. 244-09
WATER DISTRICT #4 SPECIAL ASSESSMENT APPROVED

Resolution by: Hudock
Seconded by: Balland

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for Water District #4 and filed the same with the Town Clerk of the Town of Big Flats on September 18, 2009, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #4 consists of 77 units with a unit charge for 2010 Water District #4 Special Assessment of \$156.15, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 14, 2009, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

Since there was no further business to come before the Water Board, Councilperson Manchester made a motion, seconded by Councilperson Fairbrother to adjourn the Water Board meeting at 4:43 p.m. All in favor, motion carried.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

TOWN BOARD

Supervisor Balland called the Town Board meeting to order at 4:44p.m.

PUBLIC HEARING: 4:45 p.m. Local Law #5, 2009-General Penalties Amendment

Supervisor Balland called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on September 28, 2009, which allowed and considered public comments regarding the proposed Local Law #5, 2009 an amendment to the General Violations and Penalties section of the Town Code.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:46 p.m.

PRESENTATION: Stephen Polzella, Director of Planning for the Town of Big Flats, gave a brief overview of the proposed Zoning amendment and reminded those present that an Open House will be held at the Community Center on Wednesday, October 21, 2009 from 5 p.m. to 8 p.m.

Supervisor Balland asked the Town Board to prepare questions for a Special Meeting to be held on Friday, October 16, 2009 at 9:30 a.m. for the purpose of discussing the proposed Zoning.

Councilperson Fairbrother requested that a printed copy of the proposed Zoning Amendment be available at the Town Hall. Mr. Polzella stated a copy would be available at the front desk in the Planning and Code Enforcement Office.

REPORTS

Supervisor Balland stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's; Community Center Income/Expense; Ag & Markets; SPCA Report; Supervisor Fund Balance; Community Center Advisory Board Minutes; Department of Public Works; Justice Court; Community Center.

CONCERNS OF THE PEOPLE

Craig Stowell, 458 Hickory Grove Road, questioned if the payoff of the Sewer District Bond would lower the Water District #3 Assessment? Supervisor Balland explained the Sewer District that Mr. Stowell is speaking about belongs to Chemung County not the Town and suggested questions on the sewer be directed to the County.

Gary Bernhardt, 809 Harris Hill Road, thanked the Town Board for a successful Senior Trip to Medina, New York.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

Councilperson Manchester reported the following:

- The Flexible Spending Plan is up for renewal and he is working on getting a representative from Paychex to come to the Town Hall and meet with employees to answer questions or enroll anyone who is interested in starting the program.
- There has been a change in New York State regulations on health insurance and family members up to the age of 29 may be eligible for insurance.
- Reporting procedures for elected officials regarding the accounting of time toward retirement have changed.

OLD BUSINESS

RESOLUTION NO. 245-09
PRELIMINARY BUDGET, SETTING ELECTED OFFICIALS COMPENSATION AND
PUBLIC HEARING APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Tentative Budget has been presented to the Town Board, and

WHEREAS the Town Board has conducted a budget workshop and determined that the Preliminary Budget has been completed, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the Preliminary Budget as presented and sets a public hearing to allow and consider comments on the Preliminary Budget for 7:02 p.m. on October 28, 2009, and

FURTHER RESOLVED the Elected Officials salaries are proposed to be set as follows:

Supervisor	\$ 25,818
Council (4)	\$ 6,800
Town Clerk	\$ 29,500
Tax Collector	\$ 7,014
Town Justices (2)	\$ 18,540

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

NEW BUSINESS

RESOLUTION NO. 246-09
LASER JET PRINTER PURCHASE APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the printer for the Bookkeeping Office needs to be replaced, and

WHEREAS a quote was received from GovConnection dated September 29, 2009 for an HP Laser Jet P4015dn Printer, and

WHEREAS for environmental purposes the purchasing of equipment is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to accept the price quotation from GovConnection for the purchase of a HP Laser Jet P4015dn Printer at a cost not-to-exceed One Thousand Three Hundred Sixty-eight Dollars (\$1,368.00).

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 247-09
OFFICE FURNITURE PURCHASE APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Town Supervisor recommended the furniture in the Assessors Office be replaced, and

WHEREAS a quote was received from Southern Tier Contract, Inc., dated September 25, 2009, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Southern Tier Contract, Inc. to provide office furniture as outlined in the quotation, dated September 25, 2009 for the Assessors Office for a total cost not to exceed Four Thousand Four Hundred Forty Six Dollars (\$4,446.00).

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

RESOLUTION NO. 248-09
TIMBER HARVESTING PERFORMANCE BOND RELEASE APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS a timber harvesting application had been received from Randy Hepfner to harvest 36,000 board feet of timber from approximately 50 acres of land, Tax Parcels 47-1-48.1 and 47-1-38.3, and

WHEREAS the Town Board duly approved said request by adopting Resolution No. 172-09, and

WHEREAS said timber harvesting has been completed and an inspection was performed by Code Enforcement Officer, Tim Gilbert, and

WHEREAS for environmental purposes this is a Type II action in accordance with SEQRA, now

BE IT THEREFORE RESOLVED the Town Board authorizes the release of the performance bond in the amount of One Thousand Five Hundred Dollars (\$1500.00) to Gutches Lumber Company.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 249-09
DISTINGUISHED CITIZENS OF THE YEAR APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS Robert Thorborg has served the Town of Big Flats in an official capacity for the Youth Commission and other groups within Chemung County, and

WHEREAS Glen Bates Jr. has served the Town of Big Flats in an official capacity for the Big Flats Historical Society and Big Flats Rotary Club, and

WHEREAS in recognition and with sincere gratitude for all of these positive contributions to our Community, the Town Board hereby;

RESOLVES AND DECLARES that Robert Thorborg and Glen Bates Jr. shall be, and are hereby named, the Town of Big Flats Distinguished Citizens of the Year for 2009.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

RESOLUTION NO. 250-09

GALUSHA GARDENS LANDSCAPING AGREEMENT APPROVED

Resolution by: Manchester

Seconded by: Hudock

WHEREAS the Town Supervisor recommended landscaping around the Town Hall, and

WHEREAS a quote was received from Galusha Gardens, dated October 1, 2009, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Galusha Gardens to provide landscaping services as outlined in the quotation, dated October 1, 2009 for the Town Hall at a total cost not to exceed Four Thousand Nine Hundred Dollars (\$4,900.00).

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland

NAYS: None

PROPOSED RESOLUTION NO. 251-09

SEWER DISTRICT NO. 1 FUND AND BUDGET APPROVED

Resolution by: Fairbrother

Seconded by: Hudock

WHEREAS a memorandum was received from the Bookkeeper, dated October 7, 2009, requesting authorization to establish a Sewer District No. 1 Fund and Budget, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board establishes the following Sewer District No. 1 fund:

Estimated Revenues	G10510	\$1,500
Sewer Application Fees	G12120	\$1,500
Sewer Charges (Usage Fees)	G12122	\$0
Interest & Earnings	G12401	\$0
Appropriations	G10960	\$ 350
Sewer Administration CE	G18110.0400	\$0
Sewer Operating CO	G18120.0200	\$0
Sewer Operating & Maintenance CE	G18120.0400	\$ 350
Appropriated Fund Balance	G10599	\$1,150

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

RESOLUTION NO. 252-09
VOID CHECK NO. 7673 APPROVED

Resolution by: Hudock
Seconded by: Balland

WHEREAS a memorandum was received from the Bookkeeper, dated October 7, 2009, requesting authorization to a void specific check, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check number 7673 payable to Social Security Administration, \$300.00 due to overpayment and authorize the deletion of Voucher #8776.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 253-09
BUDGET TRANSFER AND AMENDMENT APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS a memorandum was received from the Bookkeeper, dated October 7, 2009, requesting authorization to complete a budget transfer and amendment, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget amendment and transfer:

GENERAL FUND BUDGET TRANSFER:

Central Print & Mail (Newspaper)	A1670.0401	\$3,000.00
From Contingency	A1990.0400	\$3,000.00

HIGHWAY BUDGET AMENDMENT

Increase Appropriations	D0960	\$31,000.00
To Improvements CE	D5112.0400	\$31,000.00, and
Increase Appropriated Fund Balance	D0599	\$31,000.00
From Fund Balance	D09009	\$31,000.00

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

RESOLUTION NO. 254-09
GENERAL RESERVE FUND APPROVED

Resolution by: Manchester

Seconded by: Balland

WHEREAS a memorandum was received from the Bookkeeper, dated October 7, 2009, requesting authorization based on a recommendation from Health Economics Group, Inc. to establish a General Reserve Fund for Other Post Employment Benefits (OPEB) to meet future obligations, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board establishes the following General Reserve fund:

	Misc. Reserve	A0889.0002	\$41.000.00
From	Fund Balance	A0909	\$41,000.00

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland

NAYS: None

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Hudock, to enter into Executive Session to discuss purchase of property, salary of a particular person and a particular persons employment history. All in favor, motion carried.

Councilperson Manchester reported that Sales Tax is down twenty three percent for the total year.

CORRESPONDENCE

Thank You/Andrew Gillette. A letter was received from Andrew Gillette of 6 Antler Road, dated September 14, 2009, thanking the Town Parks Commission for the new slide in Fawn Acres.

COPS Preventive Funding/Chemung County Youth Bureau & Recreational Services. A letter was received from Robert L. Harris, Executive Director of Chemung County Youth Bureau and Recreational Services, dated September 24, 2009, advising that the COPS Preventive Program Funding has not been extended.

Lead Agency Designation/Chemung County Legislature. A letter was received from Ann B. Crook, Airport Manager for the Elmira Corning Regional Airport, dated September 30, 2009, notifying the Town that the Chemung County Legislature is declaring its intent to act as Lead Agency for the proposed runway extension and avigation easement acquisition project.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 14, 2009

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated October 1, 2009, providing the Town Board with a list of expiring and added programs.

Liquor License Renewal/Ruby Tuesday, Inc. A notice of liquor license renewal application form for Ruby Tuesday, dated September 25, 2009, was received from Cynthia H. Solomon, License Specialist for Ruby Tuesday.

Landowner Issues/Millennium Pipeline Co. A copy of a letter sent to landowners along the Millennium Pipeline route, dated September 25, 2009, was received from Michael J. Armiak, Director, External Affairs for Millennium Pipeline Company.

GASB-45 Valuation/Health Economics Group, Inc. Health Economics Group, Inc submitted a valuation of Post Retirement Benefit Obligations, dated July 2009.

Supervisor Balland advised the Town Board that she has been informed of possible gas exploration near the airport that could affect the aquifer for the Town. A meeting is being set up with a hydrologist.

The Town Board entered into Executive Session at 5:27 p.m.

Supervisor Balland reconvened the Town Board meeting at 6:28 p.m.

Since there was no further business to come before the Board, Councilperson Hudock made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 6:29 p.m. All in favor, motion carried.

Date approved: _____

Sheree McGannon
Deputy Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF OCTOBER 16, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	Edward Fairbrother
		Marcia Hudock
		David Manchester
		Mike Smith
ABSENT:	Attorney	Thomas Reed II
	Deputy Town Clerk	Sheree McGannon

Supervisor Balland called the Special Town Board meeting to order at 9:38 a.m. and explained that the purpose of the meeting was to review the proposed Zoning.

Since there was no further business to come before the Town Board, Councilperson Hudock made a motion, seconded by Councilperson Manchester, to adjourn the Special Town Board meeting at 12:15 p.m. All in favor, motion carried.

Date approved: _____

Transcribed by:
Sheree C. McGannon
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF OCTOBER 28, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	David Manchester
		Mike Smith
		Edward Fairbrother
		Marcia Hudock
	Attorney	Thomas Bowes
	Deputy Town Clerk	Sheree McGannon
ABSENT:	Attorney	Thomas W. Reed II

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 255-09
DELINQUENT WATER DISTRICTS CUSTOMERS ON THE TAX ROLL APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board has received a list of all delinquent water customers for Water Districts #1, #2, #3, and #4, dated October 28, 2009, and

WHEREAS said water customers have been notified that said delinquent bills must be paid by October 29, 2009, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board delegates authority, if necessary, to make changes to the proposed delinquent water customers list to the Account Clerk for the Water Department and the Water Systems Supervisor, and

FURTHER RESOLVED the Town Board authorizes the delinquent water customers list as of October 29, 2008 for Water Districts #1, #2, #3, and #4 be forwarded to the Chemung County Real Property Tax Services for inclusion on the 2010 tax bills.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

Since there was no further business to come before the Water Board, Supervisor Balland closed the Water Board meeting at 7:01 p.m.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 28, 2009

TOWN BOARD

Supervisor Balland called the Town Board meeting to order at 7:02 p.m.

PUBLIC HEARING 7:02 p.m. Preliminary Budget

Supervisor Balland called the public hearing to order at 7:02 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on October 20, 2009, which allowed and considered public comments on a proposed Town of Big Flats Preliminary Budget and elected officials salaries.

IN FAVOR: None

OPPOSITION: Jerry Welliver, 107 Lyons Drive Extension, asked for the differences in the elected officials salaries from 2009 to 2010.

COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 7:03 p.m.

Supervisor Balland read the elected officials salaries for 2010 and explained the differences.

CONCERNS OF THE PEOPLE

Steve Panton, 627 Coleman Avenue, stated he is a taxpayer in Big Flats but works for the City of Corning and wanted to know why when other municipalities are actively pursuing shared services, the Town of Big Flats Water Department is not interested in a shared service for water with the City of Corning.

Supervisor Balland stated with the Water Department the immediate concern is supervision of employees; another concern is obligating the incoming Town Supervisor. Supervisor Balland stated she would call Mr. Ryckman at the City of Corning to discuss the shared service.

Jeff O'Donnell, 88 Belaire Drive, asked why the Supervisor pay was decreased.

Supervisor Balland explained experience was considered when deciding the salaries.

Jane King, 15 Kelley Drive, stated she has concerns about a shared service agreement for the Water Department; which has had no increase in the rates in 11 years.

MINUTES

Councilperson Smith made a motion, seconded by Councilperson Hudock, to approve the minutes of September 23, 2009 as presented. All in favor, motion carried.

Councilperson Hudock made a motion, seconded by Councilperson Manchester, to approve the minutes of October 3, 2009 as presented. All in favor, motion carried.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 28, 2009

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to approve the minutes of October 14, 2009 with a correction to page 11, referencing sales tax to read: "*Sales Tax is down twenty three percent for the past twelve months*". All in favor, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to approve the minutes of October 16, 2009 as presented. All in favor, motion carried.

OLD BUSINESS

RESOLUTION NO. 256-09
LOCAL LAW NO. 5, 2009, TITLED GENERAL VIOLATIONS AND PENALTIES
APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board had determined the necessity to consider a proposed Local Law for an amendment to the General Violations and Penalties section of the Town Code, and

WHEREAS a public hearing was duly held on October 14, 2009 whereat all interested parties were duly heard, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the General Penalties Amendment, titled Local Law #5 of 2009, General Violations and Penalties and the Town Clerk shall file the same with the Department of State.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

NEW BUSINESS

RESOLUTION NO. 257-09
ACTING TOWN CLERK APPOINTMENT APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS the Town Clerk, Teresa Dean, resigned effective June 30, 2009, and

WHEREAS the Town Board recognizes the need to appoint an acting Town Clerk, and

MINUTES OF TOWN BOARD MEETING OF OCTOBER 28, 2009

RESOLUTION NO. 257-09, ACTING TOWN CLERK APPOINTMENT continued

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board hereby appoints Linda Cross, 352 Chambers Road, Horseheads, New York, as acting Town Clerk to fulfill the vacancy caused by the resignation of the Town Clerk effective November 2, 2009 until December 31, 2009, and

FURTHER RESOLVED the Town Board authorizes Linda Cross, access to the Town Clerk account at the Chemung Canal Trust Company and execute checks drawn thereon and authority to enroll for access or execute any agreements necessary to fulfill the duties of the Office.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 258-09
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Hudock
Seconded by: Manchester

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for October 2009, vouchers 9019 – 9148, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 66,796.74
HIGHWAY FUND	\$ 43,551.26
SEWER DISTRICT #1	\$ 56.62
WATER DISTRICT #1	\$ 5,406.01
WATER DISTRICT #2	\$ 7,511.68
WATER DISTRICT #3	\$ 1,502.50
WATER DISTRICT #4	\$ 590.30
TRUST & AGENCY	\$ 1,813.31
CAPITAL PROJECT #6	\$ 20,060.94
CAPITAL PROJECT #8	\$ 14,691.48
CAPITAL PROJECT #11	\$ 929.11
LIGHTING DISTRICT	\$ 618.08

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 28, 2009

RESOLUTION NO. 259-09
DELINQUENT PROPERTY VIOLATION FEES INCLUSION ON THE TAX ROLL
APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board has received a list of all property violations that were remediated by the Department of Public Works, dated October 22, 2009, and

WHEREAS said property owners have been notified that payment for services rendered must be paid, and

WHEREAS the property owner has failed to remit payment for services rendered and therefore, the Town incurred expenses which shall be borne by the property owner, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board delegates authority, if necessary, to make changes to the proposed delinquent property violation fee list to the DPW, and

FURTHER RESOLVED the Town Board authorizes the property violation owner list as of October 31, 2009 to be forwarded to the Chemung County Real Property Tax Services for inclusion on the 2010 tax bills.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 260-09
SPECIAL MEETING FOR NOVEMBER 2, 2009 APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

RESOLVE the Town Board sets a Special Town Board meeting for November 2, 2009 at 5:00 p.m. for the purpose of reviewing the proposed Zoning Amendment with the Town of Big Flats Planning Board.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 28, 2009

RESOLUTION NO. 261-09
CARSON DRIVE SPEED LIMIT ZONE REQUEST APPROVED

Resolution by: Fairbrother
Seconded By: Smith

WHEREAS the Town of Big Flats has received requests from residents to designate a speed limit on Carson Drive, and

WHEREAS the Town Board does not have the authority to designate a speed zone for this area, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation on Carson Drive in the Town of Big Flats.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 262-09
BUDGET TRANSFER APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS a memorandum was received from the Bookkeeper, dated October 22, 2009, requesting authorization to complete a budget transfer, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following budget transfer:

FROM:	Contingency	1990.0400	\$900.00
TO:	Independent Audit	A1230.0400	\$900.00

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 28, 2009

RESOLUTION NO. 263-09

PURCHASE OF A TRUCK WITH PLOW FOR THE HIGHWAY DEPARTMENT APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Commissioner of Public Works recognizes the need to purchase a new truck, and

WHEREAS the purchase of a new truck was planned and budgeted by the Town Board for the year 2009, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a 2010 Ford $\frac{3}{4}$ ton 4 x 4 pick-up truck with plow as outlined on State Bid Contract #PC 62886 Item #14 for the sum not to exceed \$26,558.10.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 264-09

PURCHASE OF A DUMP TRUCK WITH PLOW FOR THE HIGHWAY DEPARTMENT
APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Commissioner of Public Works recognizes the need to purchase a new truck, and

WHEREAS the purchase of a new truck was planned and budgeted by the Town Board for the year 2009, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a 2010 Ford 1-ton 4 x 4 dump truck with plow as outlined on State Bid Contract #PC 62886 Item #24 for the sum not to exceed \$32,006.86.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 28, 2009

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session to discuss land purchase and a particular personnel matter. All in favor, motion carried.

CORRESPONDENCE

Liquor License Renewal/DC2, LLC. A notice of liquor license renewal application for DC2, LLC, was received from Curt DeClemente, Manager and Owner of DC2.

The Town Board entered into Executive Session at 7:27 p.m.

Supervisor Balland reconvened the Town Board meeting at 7:59 p.m.

Since there was no further business to come before the Board, Councilperson Smith made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board meeting at 8:00 p.m. All in favor, motion carried.

Date approved: _____

Sheree McGannon
Deputy Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF NOVEMBER 2, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	Edward Fairbrother
		David Manchester
	Town Clerk	Linda Cross
	Deputy Town Clerk	Sheree McGannon
ABSENT:		Marcia Hudock
		Mike Smith
	Attorney	Thomas Reed II

Supervisor Balland called the Special Town Board meeting to order at 5:00 p.m. and explained that the purpose of the meeting was to review the proposed Comprehensive Zoning Amendment with the Planning Board Members.

NOTE: Councilperson Hudock arrived at 5:02 p.m.

Stephen Polzella presented the changes made to the proposed zoning Use Table and Definitions.

The Town and Planning Board members present discussed proposed changes to the Bulk and Density section of the law.

The Town Board entered into a recess at 6:45 p.m. Supervisor Balland reconvened the Special Town Board Meeting at 6:55 p.m.

NOTE: Councilperson Smith arrived at 7:04 p.m.

The Town and Planning Board members present discussed the following proposed changes:

- I. Use Table
- II. Planned Unit Development
- III. Overlay District
- IV. Ridgeline

NEW BUSINESS

RESOLUTION NO. 265-09
ZONING AMENDMENT, TITLED LOCAL LAW NO. 6 OF 2009 PUBLIC HEARING
APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Town of Big Flats Department of Planning Staff have reviewed the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan and found reasonable facts to support a comprehensive Zoning Amendment, and

MINUTES OF SPECIAL TOWN BOARD MEETING OF NOVEMBER 2, 2009

RESOLUTION NO. 265-09, ZONING AMENDMENT PUBLIC HEARING continued

WHEREAS Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to amend the Town of Big Flats Zoning Law, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for November 18, 2009 at 4:32 p.m. on the Comprehensive Zoning Amendment, Local Law #6 of 2009.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 266-09
SPECIAL MEETING APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board sets a Special Town Board meeting for November 20, 2009 at 4:30 p.m. for the purpose of holding public hearings on land acquisition.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 267-09
LAND ACQUISITION PUBLIC HEARING APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Town Board has determined that the acquisition of land for the purpose of a public works yard would be beneficial for the Town, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a public hearing to be held on November 20, 2009 at 4:32 p.m. for the purpose of acquiring lands for a public works yard at the property known as Tax Parcel #66.04-2-24, owned by Brian Swarthout, Keith Swarthout and Stephen Swarthout.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF SPECIAL TOWN BOARD MEETING OF NOVEMBER 2, 2009

RESOLUTION NO. 268-09

LAND ACQUISITION PUBLIC HEARING APPROVED

Resolution by: Fairbrother

Seconded by: Hudock

WHEREAS the Town Board has determined that the acquisition of land for the purpose of a public works yard would be beneficial for the Town, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a public hearing to be held on November 20, 2009 at 4:34 p.m. for the purpose of acquiring lands for a public works yard at the property known as Tax Parcel #66.04-2-25, owned by Swarthout Recycling, LLC.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 269-09

LAND ACQUISITION PUBLIC HEARING APPROVED

Resolution by: Manchester

Seconded by: Balland

WHEREAS the Town Board has determined that the acquisition of land for the purpose of a public works yard would be beneficial for the Town, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a public hearing to be held on November 20, 2009 at 4:36 p.m. for the purpose of acquiring lands for a public works yard at the property known as Tax Parcel #66.04-2-23, owned by Brian Swarthout, Keith Swarthout and Stephen Swarthout.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland

NAYS: None

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to adjourn the Special Town Board meeting at 8:15 p.m. All in favor, motion carried.

Date approved: _____

Sheree C. McGannon
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 18, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	David Manchester
		Mike Smith
		Edward Fairbrother
		Marcia Hudock
	Attorney	Thomas Bowes
	Town Clerk	Linda Cross
	Deputy Town Clerk	Sheree McGannon
ABSENT:	Attorney	Thomas W. Reed II

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

Steve Polzella, Director of Planning, provided the Town Board with a memorandum of proposed changes on the draft zoning law.

PUBLIC HEARING 4:32 p.m. Local Law #6, 2009 – Zoning Amendment

Supervisor Balland called the public hearing to order at 4:36 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on November 9, 2009, which allowed and considered public comments on a proposed Local Law #6 of 2009, a comprehensive zoning amendment.

IN FAVOR: Brad Kapral, 159 Carpenter Road, submitted a letter in support of the zoning amendment.

OPPOSITION: Don Gaylord, 316 Reasor Hollow Road stated he is against the zoning proposal, there is no history of problems or valid reason to change the RU District from 3 to 10 acres.

David Crocker, 8 Olcott Road South, stated he is not in favor of changing the Zoning.

Chuck Annis, 547 Maple Street, stated the zoning amendment does not fit the Town of Big Flats.

COMMENTS: Jeff O'Donnell, 88 Belaire Drive, asked for more time for the public to review the proposed zoning laws, he would like to see the new Supervisor involved in the process.

Stan Koziatek, 202 Daniel Zenker Drive, agreed with some of the changes but needed more time to review the changes and asked the Town Board not to rush the process.

Carolyn Welliver, 107 Lyons Drive, commended the Planners for doing an excellent job but also agreed more time is needed to review the zoning changes. She would like to see the new Supervisor involved. Tag Rhodes, 25 River Street, stated he agreed with Mrs. Welliver and supported her comments.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 18, 2009

David Lubin, 225 Colonial Drive, stated it has taken years to develop the Zoning and it should not be rushed through.

Dan Panosian, 125 W. Church Street, wanted to commend the Planning Department for listening to the public comments but asked for more time to review a final document.

Charlotte Annis, 547 Maple Street, stated she has read the whole document and is not happy with the overall vision, she felt it was wrong for the Town.

Christopher Dean, 25 Main Street, agreed with slowing down and allowing the new Supervisor to be involved.

Chuck Annis, 547 Maple Street, commended the Planning Staff for adding environmental regulations but felt they would quickly become outdated.

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:51 p.m.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to approve the minutes of October 28, 2009 as presented. All in favor, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Fairbrother, to approve the minutes of November 2, 2009 as presented. All in favor, motion carried.

REPORTS

Supervisor Balland stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's; Assessor's; Ag & Markets; SPCA Report; Supervisor Fund Balance;
Department of Public Works; Justice Court; Community Center.

Supervisor Balland also reported the Town Board should consider Refunding the Bond on the Town Hall Renovation to save money.

CONCERNS OF THE PEOPLE

Chuck Annis, 547 Maple Street, submitted a letter to the Town Board in response to a letter sent by the Town Attorney, Thomas Reed, concerning a sewer easement.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 18, 2009

OLD BUSINESS

RESOLUTION NO. 270-09
2010 BUDGET APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Supervisor has prepared the 2010 Preliminary Budget, and

WHEREAS a Public Hearing for said Preliminary Budget was duly held on October 28, 2009 at 7:02 p.m., and

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED that the Town Board adopts the 2010 Budget as submitted on October 14, 2009, titled "Town of Big Flats 2010 Preliminary Budget".

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 271-09
MRB GROUP CONTRACT AMENDMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS MRB Group has been providing construction observation and administration for the Sanitary Sewer Project, and

WHEREAS construction of the project is taking longer than originally anticipated and MRB Group is providing construction observation and administration to complete the project, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes MRB Group to continue construction observation and administration in the amount not to exceed \$6,363.47.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 18, 2009

NEW BUSINESS

RESOLUTION NO. 272-09
BIANCA HELDT AGREEMENT APPROVED

Resolution by: Balland
Seconded by: Hudock

WHEREAS the Community Center Director has determined and recommended that a Advent Wreath Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Bianca Heldt for the purpose of teaching Advent Wreath classes at the cost of \$22.00 per pupil in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 273-09
CHEMUNG COUNTY AERIAL PHOTO UPGRADE APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the GIS Cooperative has been working to improve Chemung County's Internet mapping system: and

WHEREAS the Town Board recognizes that these system upgrades will be of great benefit to the Town, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board of the Town of Big Flats shall commit a total of Two thousand five hundred dollars (\$2,500.00), which will be paid in 2010.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 18, 2009

RESOLUTION NO. 274-09
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for May 2009, vouchers 8453 – 8575, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$167,408.72
HIGHWAY FUND	\$ 54,352.40
CAPITAL PROJECT #11	\$ 6,363.47
CAPITAL PROJECT #6	\$ 7,709.50
CAPITAL PROJECT #8	\$ 7,157.37
WATER DISTRICT #1	\$ 10,312.87
WATER DISTRICT #2	\$ 9,794.09
WATER DISTRICT #3	\$ 3,477.51
WATER DISTRICT #4	\$ 763.76
LIGHTING DISTRICT	\$ 660.56
TRUST & AGENCY	\$ 313.31

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 275-09
STORMWATER MANAGEMENT OFFICER APPOINTMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board recognizes the need to appoint a Stormwater Management Officer, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Timothy Gilbert, Code Enforcement Officer for the Town of Big Flats, as Stormwater Management Officer.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 18, 2009

RESOLUTION NO. 276-09

JOHN DEERE MOWER MODEL Z830 APPROVED

Resolution by: Smith

Seconded by: Hudock

WHEREAS the Commissioner of Public Works recognizes the need to purchase a new mower, and

WHEREAS the purchase of a new mower was planned and budgeted by the Town Board for the year 2009, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a John Deere mower Model Z830 54" MOD (Mulch on Demand) as outlined on State Bid Contract #PC21459-PF for the sum not to exceed \$9922.64.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland

NAYS: None

RESOLUTION NO. 277-09

LAND SURVEYOR TO SURVEY TAX PARCELS #66.04-2-23, 66.04-2-24 & 66.04-2-25 APPROVED

Resolution by: Hudock

Seconded by: Manchester

WHEREAS The Town Board has determined the necessity for an updated survey of the Swarthout properties, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Kenneth R. Decker, Land Surveyor to complete the necessary surveys of the Swarthout properties at a cost not-to-exceed \$2,500.00.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland

NAYS: None

EXECUTIVE SESSION

Supervisor Balland made a motion, seconded by Councilperson Manchester to enter into executive session to discuss a particular personnel matter. All in favor, motion carried.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 18, 2009

RESOLUTION NO. 278-09
RESOLUTION NO. 263-09 AMENDMENT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board approved Resolution No. 263-09 purchasing a truck with plow for the Highway Department, and

WHEREAS the bid price did not include the painting cost for the vehicle, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a 2010 Ford $\frac{3}{4}$ ton 4 x 4 pick-up truck with plow as outlined on State Bid Contract #PC 62886 Item #14 for the sum not to exceed \$28,158.10.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

RESOLUTION NO. 279-09
RESOLUTION NO. 264-09 AMENDMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board approved Resolution No. 264-09 purchasing a truck with plow for the Highway Department, and

WHEREAS the bid price did not include the painting cost for the vehicle, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a 2010 Ford 1-ton 4 x 4 dump truck with plow as outlined on State Bid Contract #PC 62886 Item #24 for the sum not to exceed \$33,416.86.

CARRIED: AYES: Hudock, Manchester, Smith, Fairbrother, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 18, 2009

Larry Wagner, Commissioner of Public Works, gave a brief overview of the Highway Shared Service Meeting he attended.

CORRESPONDENCE

Thank you/Larry Wagner. A copy of a letter sent to Sam's Club, dated April 24, 2009, was received from Larry F. Wagner, Commissioner of Public Works.

Planning Committee Minutes/Elmira-Chemung Transportation Council. A copy of the Elmira-Chemung Transportation Council Meeting Minutes, dated October 23, 2009, was received from Brian C. Kelly, Secretary of the Planning Committee.

Thank You/Big Flats Community Day, Inc. A letter was received from Mark Gould of Big Flats Community Days, Inc., dated October 25, 2009, thanking the Town of Big Flats for all their assistance with the Festival.

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated November 1, 2009, providing the Town Board with a list of expiring and added programs.

2010 Training School Registration/Associations of Towns. General Information and Registration forms for Training were received from the Association of Towns.

Thank You/Bob Thorborg. A card was received from Bob Thorborg, dated October 31, 2009, thanking Mary Ann and the Town Board for selecting him as Citizen of the year.

Don Gaylord, 316 Reasor Hollow Road, asked if the additional payment to MRB Group could be charged to the Construction Company that was hired to complete the sewer project since they were the reason that the project had to be extended.

Chuck Annis, 547 Maple Street, asked if the hole being dug behind the Highway garages was going to be a composting area for dead animals. Larry Wagner responded that the Town is preparing the area for composting.

Julie Kucko, 107 Hibbard Road, asked if under the proposed zoning an existing structure would have to conform to the NYS Building Codes. Councilperson Fairbrother explained the Zoning Amendment and Building Codes are separate issues. Building Codes are under New York State Regulations and Ms. Kucko was advised to contact the Code Enforcement Officer.

Jeff O'Donnell, 88 Belaire Drive, asked if the architectural guidelines were going to be adopted at the same time as the zoning amendment. Steve Polzella, Director of Planning, explained the guidelines are part of the comprehensive zoning amendment.

The Town Board entered into Executive Session at 5:25 p.m.

Supervisor Balland reconvened the Town Board meeting at 5:56 p.m.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 18, 2009

Since there was no further business to come before the Board, Councilperson Hudock made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board meeting at 5:57 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF NOVEMBER 20, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	David Manchester
		Mike Smith
	Attorney	Thomas Bowes
	Town Clerk	Linda Cross
	Deputy Town Clerk	Sheree McGannon
ABSENT:	Attorney	Thomas W. Reed II
	Council	Edward Fairbrother
		Marcia Hudock

Supervisor Balland called the Special Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

PUBLIC HEARING 4:32 p.m. Land Acquisition, Tax Parcel #66.04-2-24

Supervisor Balland called the public hearing to order at 4:32 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on November 5th, 6th, 7th, 8th, & 9th of 2009, which allowed and considered public comments on the land Acquisition of Tax Parcel #66.04-2-24.

IN FAVOR: None

OPPOSITION: Richard H. Smith, 22 Hibbard Road, stated Eminent Domain proceedings affect the property owners and the Town should reconsider their actions.

Dean Boyland, 13 Canal Street, asked if the Town looked at any other properties before going forward with the Eminent Domain proceedings.

Stan Koziatek, 202 Daniel Zenker Drive, stated Eminent Domain should be used when it benefits all the public, that this location is not appropriate for a debris drop off, and the concrete pads are very valuable and increase the value of the properties.

Don Gaylord, 316 Reasor Hollow Road, stated the town has plenty of land and does not need this property.

Jeff O'Donnell, 88 Belaire Drive, agreed with Mr. Gaylord, and stated that the Town should negotiate a fair purchase price.

Bob Lovejoy, 43 Hazelwood Drive, agreed the Town does not need the property. Chuck Annis, 547 Maple Street, agreed with Mr. Lovejoy and the previous comments that were made in opposition to the Eminent Domain procedure.

Glenn Farr, 7 Farr Drive, stated the Town is misusing Eminent Domain and should wait until after the first of the year to take any further action.

MINUTES OF SPECIAL TOWN BOARD MEETING OF NOVEMBER 20, 2009

Christopher Dean, 25 Main Street, stated Kahler Road is the place for mulch and other lawn debris and the Town Center is not a good location for storing these types of material, as it would create dust in a residential area.

Dave Crocker, 8 Olcott Road South, concurred with all the statements made in opposition of the land acquisition.

Steve Swarthout, 1514 County Route 19, Beaver Dams, asked how long the Town had been planning to acquire the land and why the assessed value of the property was lowered.

Zack Terry, 121 Olcott Road North, stated the Town already has plenty of land.

COMMENTS: Christopher Dean, 25 Main Street, stated this is highly developable land and he would be willing to pay more than the Town Board offered the Swarthout Family.

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:52 p.m.

PUBLIC HEARING 4:34 p.m. Land Acquisition, Tax Parcel #66.04-2-25

Supervisor Balland called the public hearing to order at 4:53 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on November 5th, 6th, 7th, 8th, & 9th of 2009, which allowed and considered public comments on the land Acquisition of Tax Parcel #66.04-2-25.

OPPOSITION: Jeff O'Donnell, 88 Belaire Drive, stated he feels exactly the same comments apply to this property as were stated in the previous hearing.

Stan Koziatek, 202 Daniel Zenker Drive, stated he feels the same comments apply to this property as were stated in the previous hearing.

Bob Lovejoy, 43 Hazelwood, stated he is against acquiring this parcel also for the same reasons as stated in the first hearing. Chuck Annis, 547 Maple Street and Dave Crocker, 8 Olcott Road South, stated they agreed with all the previous comments made in opposition of acquiring the properties.

Glenn Farr, 7 Farr Drive, stated he feels the same comments apply to this property as were stated in the previous hearing.

IN FAVOR: None

COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:56 p.m.

MINUTES OF SPECIAL TOWN BOARD MEETING OF NOVEMBER 20, 2009

PUBLIC HEARING

4:36 p.m. Land Acquisition, Tax Parcel #66.04-2-23

Supervisor Balland called the public hearing to order at 4:57 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on November 5th, 6th, 7th, 8th, & 9th of 2009, which allowed and considered public comments on the land Acquisition of Tax Parcel #66.04-2-23.

OPPOSITION: Jeff O'Donnell, 88 Belaire Drive, stated his comments are exactly the same comments as the first and second property and asked for an explanation on why the assessment for the properties was lowered.

Stan Koziatek, 202 Daniel Zenker Drive, stated he is against acquiring this parcel also.

Dave Crocker, 8 Olcott Road South, and Bob Lovejoy, 43 Hazelwood Drive, both stated they are opposed to acquiring this parcel for all the same reasons as stated in the other hearings.

Glenn Farr, 7 Farr Drive, stated he feels the same comments apply to this property as were stated in the previous hearings.

IN FAVOR: None

COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:58 p.m.

RESOLUTION NO. 280-09
BUDGET TRANSFER APPROVED

Resolution by: Balland

Seconded by: Smith

WHEREAS a memorandum was received from the Bookkeeper, dated November 20, 2009, requesting authorization to complete a budget transfer, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following budget transfer:

FROM:	Contingency (1990.0400)	\$38,100.00	
TO:	Tax Collector CE- (A13330.0400)	\$	900.00
	Cemetery CO- (A1620.04000)	\$	1,200.00
	Buildings CE- (A1620.0400)	\$36,000.00	

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Fairbrother, Hudock

MINUTES OF SPECIAL TOWN BOARD MEETING OF NOVEMBER 20, 2009

Since there was no further business to come before the Board, Supervisor Balland made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 5:01 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	David Manchester
		Mike Smith
		Edward Fairbrother
		Marcia Hudock
	Attorney	Thomas Bowes
	Town Clerk	Linda Cross
	Deputy Town Clerk	Sheree McGannon
ABSENT:	Attorney	Thomas W. Reed II

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

REPORTS

Supervisor Balland stated the following reports have been received and are on file in the Office of the Town Clerk:

Town Clerk's; Supervisor Fund Balance; Department of Public Works; Justice Court; Community Center; Assessor's; Senior Bus Trip Annual.

Steve Polzella, Director of Planning, gave a brief report on a training held at the Community Center on December 8, 2009 for County and Town Planning Board and Zoning Board Members.

CONCERNS OF THE PEOPLE:

Linda Brennen and Linda Lewis, representing the American Postal workers Union, asked the Town Board to consider passing a resolution opposing the United States Postal Service consolidation of the Elmira and Rochester facilities. A proposed resolution was presented to the Town Board.

Roger Teneyck, 69 Goss Road, requested the Town Board consider cutting limbs or removing all of his neighbor's poplar trees. He stated they are a safety concern because of the leaves and other debris that drop into the road. He feels it should not be his responsibility to deal with the cost of these messy trees and requested help from the Town. Larry Wagner, Commissioner of Public Works, confirmed that he would go to Goss Road and look at the trees but stated it is not common practice for the Town to remove trees on private property.

Jerry Welliver, 107 Lyons Drive, wanted to know if the Zoning Law would be voted on this evening and requested the Town Board put a six month moratorium on passing the Local Law. He stated he is not opposed to the zoning but wants more time to review the changes.

Tom Gorman, 2445 State Route 352, liked the work that has been done on the Zoning but stated the design guidelines are vague.

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

Carolyn Welliver, 107 Lyons Drive, asked the Town Board to give the residents more time to review the zoning changes before passing the law.

Charlotte Annis, 547 Maple Street, stated she has concerns about whether her business will be able to continue with the new zoning changes and if too many options are being taken away from small business owners.

Jeff O'Donnell, 88 Belaire Drive, agreed with Mr. Welliver that residents need more time to digest the new zoning and, requested for the Zoning Law be tabled.

Christopher Dean, 25 Main Street, also asked for the Zoning to be tabled.

Judy Kadlac, 26 Landau Drive, thanked Supervisor Balland for 8 years of service to the residents and businesses of Big Flats.

OLD BUSINESS

RESOLUTION NO. NO. 281-09
RESOLUTION NO. 247-09 AMENDMENT APPROVED

Resolution by: Fairbrother

Seconded by: Hudock

WHEREAS the Town Supervisor recommended the furniture in the Assessors Office be replaced, and

WHEREAS the Town Board approved the purchase on October 14, 2009, Resolution No. 247-09, and

WHEREAS the cost of freight of Four Hundred Two Dollars and Forty Cents (\$402.40) for the furniture was not approved at that time, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Resolution No. 247-09 be amended to include the cost of freight for a total cost not to exceed Four Thousand Eight Hundred Forty Eight Dollars and Forty Cents (\$4,848.40).

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland

NAYS: None

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

RESOLUTION NO. 282-09

LOCAL LAW #6 OF 2009, COMPREHENSIVE ZONING AMENDMENT APPROVED

Resolution by: Balland

Seconded by: Manchester

WHEREAS the Big Flats Department of Planning Staff have reviewed the Town of Big Flats Comprehensive Plan and Town Center Strategic Plan and found reasonable facts to support a comprehensive Zoning Amendment, and

WHEREAS the Department of Planning provided a memorandum on May 19, 2009 documenting references to the Town of Big Flats Comprehensive Plan and Town Center Strategic Plan related to Local Law #6 of 2009, and

WHEREAS the Planning Board has reviewed Local Law #6 of 2009 and found, Resolution P2009-70, the comprehensive zoning amendment to be consistent with the Town of Big Flats Comprehensive Plan and Town Center Strategic Plan, and

WHEREAS the Chemung County Planning Board, as per NYS General Municipal Law, has reviewed Local Law #6 of 2009 and returned the action to the Town of Big Flats for local determination, and

WHEREAS the proposed action is a Type I action pursuant to SEQR 6 NYCRR Part 617, and

WHEREAS the Big Flats Town Board hereby declares themselves as lead agency for environmental review, and

WHEREAS the Town Board has considered the Full Environmental Assessment Form and other materials prepared by Town Staff and Town Consultant in support of the proposed action, has considered the comments of the Planning Board, and verbal commentary during the Town Board meetings pertaining to the review and evaluation of the proposed action, and

WHEREAS the Town Board scheduled a public hearing on Local Law #6 of 2009 and said hearing was held on November 18, 2009, now

BE IT THEREFORE RESOLVED this Board hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Type I action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration, and

FURTHER RESOLVED the Town Board approves the comprehensive Zoning Amendment, titled Local Law #6 of 2009, Zoning Amendment and the Town Clerk shall file the same with the Department of State.

CARRIED: AYES: Balland, Manchester, Fairbrother

NAYS: Smith, Hudock

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

RESOLUTION NO. 283-09
PERFORMANCE BOND RELEASE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS a Timber Harvesting Application had been received from Double Aught Lumber Company to harvest 56,310 board feet of timber from approximately 27 acres of land, and

WHEREAS the Town Board duly approved said request by adopting Resolution No. 211-09, and

WHEREAS said timber harvesting has been completed and an inspection was performed by Code Enforcement Officer, Tim Gilbert, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the release of the performance bond in the amount of Eight Hundred Ten Dollars (\$810.00) to Double Aught Lumber Company

CARRIED: AYES: Hudock, Balland, Fairbrother, Smith
NAYS: None ABSTAIN: Manchester

RESOLUTION NO. NO. 284-09
RESOLUTION NO. 246-09 AMENDMENT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the printer for the Bookkeeping Office needs to be replaced and the Town Board approved the purchase on October 14, 2009 by Resolution No. 246-09, and

WHEREAS GovConnection is unable to provide the HP laser Jet P4015dn Printer, and

WHEREAS a quote was received from CDW-G dated December 8, 2009 for an HP Laser Jet P4015dn Printer, and

WHEREAS for environmental purposes the purchasing of equipment is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

RESOLUTION NO. 284-09 AMENDMENT, continued

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to accept the price quotation from CDW-G for the purchase of a HP Laser Jet P4015dn Printer at a cost not-to-exceed One Thousand Five Hundred Thirty Seven Dollars and Seventy five Cents (\$1,537.75).

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland
NAYS: None

NEW BUSINESS

RESOLUTION NO. 285-09
BIG FLATS AMERICAN LEGION BINGO LICENSE APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Big Flats American Legion submitted an application for a Bingo License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Bingo License, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED if a Findings and Determination for Bingo License finds the designated members conducting bingo games are of good moral character, the Town Board approves the Application for a Bingo License, dated November 5, 2009, from the Big Flats American Legion Post 1612 to perform bingo events as outlined in the application.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

RESOLUTION NO. 286-09
BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Big Flats American Legion submitted an application for a Games of Chance License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED if a Findings and Determination for Games of Chance License finds the designated members conducting games of chance are of good moral character, the Town Board approves the Application for a Games of Chance License, dated November 13, 2009 from the Big Flats American Legion Post 1612 to perform games of chance events as outlined in the application.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 287-09
TIMBER HARVESTING PERMIT APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS a Timber Harvesting Application has been received from Woodland Investment Services, Inc. Company to harvest 35,175 board feet of timber from approximately 35 acres of land, and

WHEREAS the Town Board finds this action to be an Unlisted Action Under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will begin within one year of approved permit;
2. The skid roads are existing and all water bars will be maintained during and after the harvest. No new skid rows will be added.
3. The landing areas and all skid roads will be smoothed and free of debris, also the landing and skid roads will be seeded with a conservation mix after the harvest is complete, now

BE IT THEREFORE RESOLVED the application for a timber harvesting permit submitted by Woodland Investment Services, Inc. is approved as follows:

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

RESOLUTION NO. 287-09 TIMBER HARVESTING PERMIT, continued

1. The logging operation, as proposed will involve trucks using Owen Hollow Rd, I-86, and Route 17. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield;
2. The transport of logs may only occur between the hours of 9:00 am to 7:00 pm daily with the exception that on days public schools are in session the transport of logs may not occur between the hours of 1:30 pm and 4:30 pm.
3. All roads shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and must be cleaned when required by the Code Enforcement Officer as a result of any inspections.

Prior to Obtaining Permit

4. A performance guarantee in the form of a certified check for \$1050 must be posted with the Code Enforcement Office before any timber harvesting may begin. The performance guarantee will be returned upon the satisfactory completion of all logging operations, compliance with conditions of this resolution, and a final inspection of the timer harvesting site by the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.

Prior to any Logging Operations

5. Proof of Vehicle, General Liability, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and for property damage of \$250,000 for logging operations, unless authorized by the Town Board and the Town Attorney. The Town of Big Flats must be listed as an additional insured and said proof must be filed with the Code Enforcement Office at least 48 hours before commencing any logging operations. Said proof of insurance must be approved by the Town Attorney prior to commencement of work.
6. Notification, in the form of a letter and a copy of the map showing the approved logging area must be provided to all abutters.

During Harvesting Activity

7. The logger shall notify the Code Enforcement Officer within five days of completion to Coordinate onsite inspections.
8. The logging site shall be subject to periodic inspections by the Code Enforcement Officer, and Chemung County Soil & Water Conservation Service Representatives at any time during the course of the operation. These inspections will be done between 10:00 am and 4:00 pm.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

RESOLUTION NO. 288-09
RESIGNATION ACCEPTED AND PLANNING BOARD APPOINTMENT
APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Supervisor received a resignation from Lee Younge, stating that she has chosen to resign from her position on the Planning Board, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Lee Younge as a member of the Big Flats Planning Board effective November 23, 2009 and request the Town Supervisor send a letter to Ms. Younge thanking her for her assistance and dedication, and

FURTHER RESOLVED the Town Board approves and hereby appoints Dave Seely as a Planning Board member , as per the recommendation of the Planning Board, for a term ending December 31, 2010.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 289-09
ELECTRICAL INSPECTION SERVICES LIST AMENDMENT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town of Big Flats requires electrical work to be inspected by third party inspectors, and

WHEREAS said third party inspectors are approved by the Town Board, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that Edward A. Hall, an independent representative of Atlantic-Inland, Inc., shall be approved to make electrical inspections in the Town of Big Flats.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

RESOLUTION NO. 290-09
GALUSHA GARDENS AGREEMENT DENIED

Resolution by: Manchester

Seconded by: Fairbrother

WHEREAS the Town Supervisor recommended landscaping behind the Town Hall, and

WHEREAS a quote was received from Galusha Gardens, dated November 23, 2009, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Galusha Gardens to provide landscaping services as outlined in the quotation, dated November 23, 2009 for the Town Complex at a total cost not to exceed Five Thousand Seven hundred twenty five Dollars (\$5,725.00).

DENIED: AYES: Manchester, Balland
NAYS: Hudock, Fairbrother, Smith

RESOLUTION NO. 291-09
CHEMUNG COUNTY STORMWATER COALITION AGREEMENT APPROVED

Resolution by: Hudock

Seconded by: Manchester

WHEREAS The Chemung County Stormwater Coalition has requested the continuation of an agreement with the Town of Big Flats Department of Planning for Shared Services, and

WHEREAS the Department of Planning will provide the services of Stormwater Technician for the Coalition from January 1, 2010 through June 30, 2010, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a shared services agreement with the Chemung County Stormwater Coalition at rates set forth in the agreement.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

RESOLUTION NO. 292-09
COMMUNITY CENTER HVAC MODIFICATIONS AND SOFTWARE
INSTALLATION APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS the Town Board acknowledges the necessity for a control system modification of the HVAC system serving the Community Center office, great room, and combining controls as stated within attached, and

WHEREAS quotes have been received from Air Temp Heating & Air Conditioning, Inc. as follows:

- Community Center Control System Upgrade to Automatic Logic Control (ALC)
 - not to exceed \$17,422.00
- Community Center Office VAV Replacement – not to exceed \$5,882.00
- Great Room CO2 Monitoring and Humidity Control – not to exceed \$3,108.00, and

WHEREAS said quotes include one (1) year warranty on all new parts and labor, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Air Temp Heating & Air Conditioning, Inc. for the purchase and installation of said system at a total cost not-to-exceed \$26,412.00.

CARRIED: AYES: Manchester, Balland, Fairbrother, Smith
NAYS: Hudock

CORRESPONDENCE

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated December 1, 2009, providing the Town Board with a list of expiring and added programs.

SEQR Lead Agency Designation/Chemung County Legislature. A letter was received from Linda D. Palmer, Clerk of the Chemung County Legislature, dated September 30, 2009, notifying the town that Chemung County is Declaring Lead Agency for the proposed Elmira Corning Regional Airport Runway 24 Extension & Avigation Easement Acquisition Project.

Annis Easement/Thomas W. Reed II. A letter was received from Attorney Thomas W. Reed II, Esq., dated November 25, 2009, regarding the Annis Easement.

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 9, 2009

Examination Score/Stephen Polzella. Congratulation letter, dated November 19, 2009, announcing Stephen Polzella the Director of Planning passed the Comprehensive Planning Examination.

Councilperson Fairbrother reported he has been working with Marc Chevalier on upgrading the Town computers to Microsoft 2007 for the year 2010. Councilperson Fairbrother stated he would not be able attend the December 30th meeting and thanked Supervisor Balland for 8 years of service.

Supervisor Balland reminded the Town Board the next meeting is scheduled for December 30, 2009 at 4:30 p.m.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to adjourn the Town Board meeting at 5:47 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 30, 2009

PRESENT:	Supervisor	Mary Ann Balland
	Council	David Manchester
		Mike Smith
		Marcia Hudock
	Attorney	Thomas W. Reed II
		Thomas Bowes
	Town Clerk	Linda Cross
	Deputy Town Clerk	Sheree McGannon
ABSENT:	Council	Edward Fairbrother

Supervisor Balland called the Town Board meeting to order at 4:31 p.m. and requested those present to participate in the Pledge of Allegiance.

MINUTES

Councilperson Hudock made a motion, seconded by Councilperson Manchester, to approve the minutes of November 18, 2009 as presented. All in favor, except Councilperson Fairbrother was absent.

Councilperson Manchester made a motion, seconded by Supervisor Balland, to approve the minutes of November 20, 2009 as presented. All in favor, except Councilperson Fairbrother was absent.

Councilperson Smith made a motion, seconded by Councilperson Hudock, to approve the minutes of December 9, 2009 as presented. All in favor, except Councilperson Fairbrother was absent.

NEW BUSINESS

RESOLUTION NO. 293-09 ASSOCIATION OF TOWNS CONFERENCE ATTENDANCE APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Association of Towns State of New York conference is a training conference for Newly Elected Officials, and

WHEREAS said conference is held annually with representatives from New York State offices offering sessions for the office of the Town Clerk, and

WHEREAS Sheree McGannon Deputy Town Clerk has agreed to provide office coverage during the absence of the Town Clerk, and

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 30, 2009

RESOLUTION NO. 293-09 CONFERENCE ATTENDANCE, continued

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Linda Cross, Town Clerk, to attend the Association of Towns of the State of New York Newly Elected Officials Conference held January 13th - 15th, 2010, in Rochester, NY with expenses for hotel and registration not to exceed \$402.00, and all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Balland, Smith, Hudock, Manchester
 NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 294-09 ASSOCIATION OF TOWNS CONFERENCE ATTENDANCE APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS the Association of Towns State of New York conference is a training conference for Newly Elected Officials, and

WHEREAS said conference is held annually with representatives from New York State offices offering sessions for the office of the Town Supervisor, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Teresa Dean, incoming Town Supervisor, to attend the Association of Towns of the State of New York Newly Elected Officials Conference held January 13th - 15th, 2010, in Rochester, NY with expenses for hotel and registration not to exceed \$402.00, and all appropriate expenses to be paid from the appropriate 2010 budgets.

CARRIED: AYES: Balland, Smith, Hudock, Manchester
 NAYS: None ABSENT: Fairbrother

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 30, 2009

RESOLUTION NO. 294-09 ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Balland
Seconded by: Hudock

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for December 2009, vouchers 9259 - 9382, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$146,263.21
HIGHWAY FUND	\$ 25,187.76
SEWER DISTRICT #1	\$ 94.07
CAPITAL PROJECT #6	\$ 9,153.50
CAPITAL PROJECT #8	\$ 1,966.79
WATER DISTRICT #1	\$ 3,209.84
WATER DISTRICT #2	\$ 3,652.98
WATER DISTRICT #3	\$ 1,747.38
WATER DISTRICT #4	\$ 741.75
LIGHTING DISTRICT	\$ 683.26
TRUST & AGENCY	\$ 1,221.78
DEBT SERVICE	\$ 294,881.25

CARRIED: AYES: Hudock, Balland, Smith
ABSENT: Fairbrother

NAYS: None
ABSTAIN: Manchester

RESOLUTION NO. 295-09 BUDGET TRANSFER AND AMENDMENT APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS a memorandum was received from the Bookkeeper, dated December 22, 2009, requesting authorization to complete a budget transfer and amendment, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget amendment and transfer:

GENERAL FUND BUDGET TRANSFER:

Control of Dogs	A3510.0400	\$ 76.11
Social Security	A9030.0800	\$1,600.00
From Contingency	A1990.0400	\$1,676.11

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 30, 2009

RESOLUTION NO. 295-09 BUDGET TRANSFER AND AMENDMENT, continued

BUDGET AMENDMENT

To Reserve for Tax Stabilization	A0880	\$10,000.00	
From Unappropriated Fund Balance	A0909		\$10,000
To Transfers Other Funds	A9901.0900	\$ 1,500,000	
Increase Appropriations	A0960	\$ 1,500,000	
Increase Appropriate Fund Balance	A0599	\$ 1,500,000	
From Fund Balance	A0909		\$ 1,500,000
Increase Estimated Revenues	V0510	\$ 1,500,000	
Increase Interfund Transfers	V0531	\$ 1,500,000	

CARRIED: AYES: Balland, Smith, Hudock, Manchester
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 296-09 ORGANIZATIONAL MEETING APPROVED

Resolution by: Hudock
Seconded by: Manchester

RESOLVE the Town Board sets the Organization Meeting for January 6, 2010 at 4:30 p.m.

CARRIED: AYES: Hudock, Manchester, Balland, Smith
NAYS: None ABSENT: Fairbrother

CORRESPONDENCE

Voluntary Integration and Unitization Notice/The West Firm. A letter, was received December 8, 2009 from Vicki G. Schlierer Paralegal of the West Firm, regarding the leasing of the Oil and Gas rights on Town owned properties.

CONCERNS OF THE PEOPLE

Ted Dangelmier – 25 Green Valley Drive – Thanked Supervisor Balland for 8 years of service.

Judy Zimmerman – 29 Churchill Place – Submitted a letter thanking Supervisor Balland for all she has done for the Town of Big Flats.

Since there was no further business to come before the Board, Councilperson Manchester made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 4:40 p.m. All in favor, except Councilperson Fairbrother was absent, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk